

From: "Firpo, Adolfo" <adolfo.firpo@mssm.edu>
Date: July 31, 2012 1:42:11 PM EDT
To: "Blowe, Sarah (MSH)" <sarah.blowe@mountsinai.org>
Cc: "Tiger-Paillex, Caryn" <caryn.tiger-paillex@mssm.edu>, "Johnson, Paul" <paul.johnson@mssm.edu>
Subject: Leave of Abscence

Dear Dr. Blowe:

I sincerely hope that you accept and realize that everyone you met this morning in my office had only one concern and objective in mind: How to help Dr. Sarah Blowe get well as soon as possible so she can return to her residency and realize her full potential. I was delighted by your final decision to accept the medical leave of absence (LOA) option and to be evaluated again.

Please try to fill in all the LOA paperwork and turn it in to Ms. Caryn Tiger-Paillex Office by Friday to get the process going and so that you can get all the support you may need. Sometimes it is very difficult to accept that one needs help, but it is important to realize that everyone needs help and support from others at some point in life, so please don't turn away this offer. Let us help you. Even if you are convinced that you don't need help I ask that you to please just give it try and go through the motions and see what happens. I hope that as you go through this process you will start to see things differently and feel better about your peers and everyone else at work. No one here knows anything about you, so don't agonize over thoughts like the one you shared with us this morning which I understand can be very upsetting.

Once you submit the paperwork for your LOA you must concentrate on yourself and disconnect from work, just stay away from Mount Sinai in general unless you are asked to come in for a specific function or activity. When the time comes and your physician decides that you are ready to come back we will deal with all that and do whatever is needed to initiate the process.

With best wishes to you,

Dr. Firpo

Adolfo Firpo, M.D.,M.P.A.,FCAP
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Director Pathology Education,
Director, Pathology Residency Training Program

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From: "Cordon-cardo, Carlos" <carlos.cordon-cardo@mssm.edu>
Date: August 16, 2012 5:41:30 PM EDT
To: "Blowe, Sarah (MSH)" <sarah.blowe@mountsinai.org>
Cc: "Firpo, Adolfo" <adolfo.firpo@mssm.edu>, "Johnson, Paul" <paul.johnson@mssm.edu>, "Semet, Daphne" <daphne.semet@mssm.edu>, "Cordon-cardo, Carlos" <carlos.cordon-cardo@mssm.edu>
Subject: Your leave of absence

Dear Dr. Blowe,

It has come to my attention that you arrived unexpectedly on the 15th Floor of the Annenberg Building today with the intention to complete work related to the residency program. I am writing to remind you that while you are on medical leave, you may not be in the departmental work area without proper clearance.

On July 30, 2012, you met with Dr. Firpo-Betancourt and representatives from the Physician Wellness Committee, the Office for Graduate Medical Education, the Student/Trainee Mental Health Service, and Human Resources to discuss the need for you to take a medical leave of absence. At that time you began the process of filing for family and medical leave. (You subsequently provided Human Resources with medical documentation to support your leave, which has been approved under the Family and Medical Leave Act.) During your July 30 meeting, Dr. Firpo-Betancourt clearly instructed you to remain away from work until the program deemed you able to perform your duties.

Ms. Caryn Tiger-Paillex, Director of Human Resources, will write to you separately to elaborate upon the process for returning from medical leave. Based on the documentation provided, the program anticipates your date of return to be December 1, 2012. Your return is contingent upon clearance by Mount Sinai. Even if you wish to return on a different date, the rules for returning still apply.

I encourage you to use the time allotted by your medical leave to focus on your well-being, and I assure you that I support you during your leave period. However, until you have been cleared by Mount Sinai to return to work, any further unexpected appearance in the department will be considered a breach of the program's professionalism standards and will be subject to disciplinary action up to and including termination.

Sincerely,

Carlos Cordon-Cardo, M.D., Ph.D.
Professor and Chairman,
Department of Pathology,

Professor, Department of Genetics and Genomic Sciences,
The Mount Sinai School of Medicine.
Professor and Director,
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Exhibit 273

In The Matter Of:

APPEAL HEARING of DR. LEENA VARUGHESE,

MEETING

November 14, 2011

RAYVID REPORTING SERVICE, INC.

225 Varick Street - 10th Floor

New York, NY 10014

PH: 212-267-3877 / FAX: 212-692-9171

MEETING - Vol. 1

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APPEAL HEARING of DR. LEENA VARUGHESE

TO THE MEDICAL HOUSE STAFF

AFFAIRS COMMITTEE

MOUNT SINAI HOSPITAL

6:00 p.m.

November 14, 2011

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<p>1 LEENA VARUGHESE</p> <p>2</p> <p>3 PANEL:</p> <p>4</p> <p>5 DR. STEVEN WEINFELD, Chair</p> <p>6 DR. GILA LEITER</p> <p>7 DR. MICHAEL MARIN</p> <p>8 DR. HAROLD BRONHEIM</p> <p>9 DR. MARISSA RAYMOND-FLESCH</p> <p>10 DR. MELISSA ROCCO</p> <p>11 FOR THE PANEL:</p> <p>12</p> <p>13 MICHAEL G. MacDONALD, ESQ.</p> <p>14 Mount Sinai General Counsel</p> <p>15</p> <p>16 FOR THE DEPARTMENT:</p> <p>17</p> <p>18 DR. CARLOS CORDONE-CARDO</p> <p>19 DR. ADOLFO FIRPA</p> <p>20</p> <p>21 RORY McEVOY, ESQ.</p> <p>22 Edwards Wildman Palmer LLP</p> <p>23 750 Lexington Avenue</p> <p>24 New York, NY 10022</p> <p>25</p> <p>26 FOR THE APPELLANT:</p> <p>27 DR. LEENA VARUGHESE, Pro Se</p> <p>28 DR. RAJIT MALLIH</p>	<p>1 LEENA VARUGHESE</p> <p>2 Department of Obstetrics Gynecology and</p> <p>3 Reproductive Science.</p> <p>4 Dr. Michael Marin, Professor and</p> <p>5 Chairman Department of Surgery.</p> <p>6 Dr. Harold Bronheim, Clinical</p> <p>7 Professor of Psychiatry and Clinical</p> <p>8 Professor of Medicine.</p> <p>9 Dr. Marissa Raymond-Flesch, PGY 4</p> <p>10 department of medicine in pediatrics and</p> <p>11 Dr. Melissa Rocco, Chief Resident,</p> <p>12 department of anesthesiology.</p> <p>13 Also present are Michael Macdonald,</p> <p>14 General Counsel School of Medicine,</p> <p>15 serving as counsel to the committee, Ms.</p> <p>16 Karen Jones, also of the general counsel's</p> <p>17 office, who is also assisting Mr. McDonald</p> <p>18 and the committee.</p> <p>19 Dr. Carlos Cordone-Cardo and</p> <p>20 Dr. Adolfo Firpa, Mr. Rory McEvoy of the</p> <p>21 law firm of Edwards, Wilman & Palmer, who</p> <p>22 is assisting of the Department of</p> <p>23 Pathology in it's presentation.</p> <p>24 Ms. Marina Lowy, of the general</p> <p>25 counsel's offices, also assisting the</p>
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<p>1 LEENA VARUGHESE</p> <p>2</p> <p>3 PROCEEDINGS</p> <p>4</p> <p>5 DR. WEINFELD: I would like to</p> <p>6 call the proceedings to order.</p> <p>7 This is the appeal of Dr. Leena</p> <p>8 Varughese of the decision dated September</p> <p>9 21, 2011 of Dr. Cardone-Corda and</p> <p>10 Dr. Firpa to suspend and terminate</p> <p>11 Dr. Varughese from the pathology residency</p> <p>12 program of the Mount Sinai School of</p> <p>13 Medicine.</p> <p>14 Dr. Varghese's appeal was perfected</p> <p>15 in her letter dated September 28, 2011 to</p> <p>16 Dr. Michael Harris, President of the</p> <p>17 Medical Board, which was received on</p> <p>18 September 30, 2011.</p> <p>19 My name is Steven Weinfeld, I'm</p> <p>20 serving as the Chairman of the House Staff</p> <p>21 Affairs Committee that has been convened</p> <p>22 to consider and decide Dr. Varghese's</p> <p>23 appeal.</p> <p>24 I would like to introduce the other</p> <p>25 members of the Committee, Dr. Gila Leiter,</p>	<p>1 LEENA VARUGHESE</p> <p>2 Department of Pathology, Dr. Leena</p> <p>3 Varughese and Dr. Rajit Mallih.</p> <p>4 DR. MALLIH: I am Dr. Leena</p> <p>5 Varghese's friend, I am a practicing</p> <p>6 pathologist also.</p> <p>7 DR. WEINFELD: Dr. Varughese, are</p> <p>8 you going to have counsel with you today</p> <p>9 or no?</p> <p>10 DR. VARUGHESE: No.</p> <p>11 DR. WEINFELD: So, just for the</p> <p>12 record, that Dr. Varughese is entitled</p> <p>13 to have an attorney present, has chosen</p> <p>14 not to appear with counsel today.</p> <p>15 Procedures that will govern this</p> <p>16 appeal are set forth in the house staff</p> <p>17 manual and include the following, Drs.</p> <p>18 Cordone-Carda and Dr. Firpa may present</p> <p>19 relative evidence and witnesses in</p> <p>20 presenting the department's position.</p> <p>21 They may question Dr. Varughese and</p> <p>22 her witnesses.</p> <p>23 Similarly, Dr. Varughese may</p> <p>24 present relevant evidence and witnesses on</p> <p>25 her behalf, and may question Drs.</p>

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<p>1 LEENA VARUGHESE</p> <p>2 Cordone-Cardo and Firpa and the witnesses</p> <p>3 who supported the Department of</p> <p>4 Pathology's decision.</p> <p>5 B, it the scope of the hearing will</p> <p>6 be limited to determine whether there is</p> <p>7 sufficient evidence to determine that the</p> <p>8 adverse action taken by the Department of</p> <p>9 Pathology was not arbitrary and</p> <p>10 capricious.</p> <p>11 All testimony at the hearing will</p> <p>12 be under oath, and a transcript of the</p> <p>13 hearing is being made.</p> <p>14 The Rules of Evidence do not apply</p> <p>15 and the decision of the Committee will be</p> <p>16 based on a preponderance of the evidence.</p> <p>17 I would like to stress this is a</p> <p>18 peer review proceeding and members of the</p> <p>19 Committee may take an active role in</p> <p>20 questioning the witnesses.</p> <p>21 In that connection the role of</p> <p>22 attorneys is limited to providing advice</p> <p>23 and counsel to Dr. Varughese and the</p> <p>24 department as the case may be and</p> <p>25 addressing the members of the Committee.</p>	<p>1 LEENA VARUGHESE</p> <p>2 DR. WEINFELD: And.</p> <p>3 MR. McEVOY: Yes.</p> <p>4 DR. VARUGHESE: Actually, I do</p> <p>5 now.</p> <p>6 DR. WEINFELD: Yes.</p> <p>7 DR. VARUGHESE: So is</p> <p>8 Dr. Cordone-Cardo and Dr. Firpa</p> <p>9 intending to defend themselves, or is</p> <p>10 the lawyer speaking for them?</p> <p>11 DR. WEINFELD: The Department</p> <p>12 will be making a presentation, but</p> <p>13 the -- as I just said, the lawyers are</p> <p>14 not presenting evidence, so they will</p> <p>15 provide advice to the members of the</p> <p>16 Department.</p> <p>17 MR. McEVOY: The only thing I was</p> <p>18 going to say was that I would ask the</p> <p>19 committee to accept as an Exhibit the</p> <p>20 section of the house staff manual</p> <p>21 dealing with disciplinary action, which</p> <p>22 I don't think should be any problem with</p> <p>23 because I understand that Dr. Varughese</p> <p>24 has submitted that as one of her</p> <p>25 proposed exhibits, and secondly, that</p>
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<p>1 LEENA VARUGHESE</p> <p>2 The role of the representatives may</p> <p>3 not include the presentation of evidence</p> <p>4 or the examination or cross-examination of</p> <p>5 witnesses.</p> <p>6 The committee may in its discretion</p> <p>7 further define, expand or limit the role</p> <p>8 of any representatives as we go along.</p> <p>9 In addition, the committee may make</p> <p>10 such additional rules as it deems</p> <p>11 necessary to assure a prompt, fair and</p> <p>12 expeditious handling of this appeal.</p> <p>13 Members of the Committee have</p> <p>14 reviewed the September 21, 2011</p> <p>15 termination letter from Drs. Cordone-Cardo</p> <p>16 and Firpa to Dr. Varughese.</p> <p>17 Before we turn to Drs.</p> <p>18 Cordone-Carda and Firpa for their</p> <p>19 presentation, then to Dr. Varughese for</p> <p>20 her presentation, I would like to ask Dr.</p> <p>21 Varughese and the Department whether there</p> <p>22 are any preliminary matters they would</p> <p>23 like to raise before we proceed further.</p> <p>24 Dr. Varughese?</p> <p>25 DR. VARUGHESE: No.</p>	<p>1 LEENA VARUGHESE</p> <p>2 the committee take into evidence Dr.</p> <p>3 Varughese' residence contract for the</p> <p>4 PGY 4 year.</p> <p>5 DR. WEINFELD: Is that something</p> <p>6 we don't have copies of currently?</p> <p>7 MR. MacDONALD: Well, I think --</p> <p>8 actually I think on the house staff</p> <p>9 manual we can almost take that by</p> <p>10 judicial notice.</p> <p>11 If you want to mark it as a</p> <p>12 Committee Exhibit 1 and Committee Exhibit</p> <p>13 2, why don't we do that, and do we need to</p> <p>14 do that physically to do that?</p> <p>15 MR. MacDONALD: I think those</p> <p>16 documents -- why don't we do that; let's</p> <p>17 be sure that we mark the excerpt or</p> <p>18 maybe the entire house staff manual, the</p> <p>19 excerpt and the disciplinary proceedings</p> <p>20 as Committee Exhibit 1 and the house</p> <p>21 staff contract as Committee Exhibit 2.</p> <p>22 DR. WEINFELD: So we will get</p> <p>23 those marked into evidence.</p> <p>24 I would like to start by asking</p> <p>25 Drs. Cordone-Cardo and Dr. Firpa to make</p>

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<p style="text-align: right;">Page 10</p> <p>1 LEENA VARUGHESE 2 their presentations on behalf of the 3 Department of Pathology. 4 DR. CARDONE-CORDO: Dr. Firpa 5 will make the presentation. 6 DR. WEINFELD: Are we going to 7 swear him in? 8 MR. MacDONALD: I think what we 9 should do is to swear Dr. Varughese, Dr. 10 Cordone-Cardo and Dr. Firpa all at the 11 same time so we don't have to interrupt 12 the flow of the proceedings. 13 Would you do that, Mr. Reporter. 14 15 A LEENA VARUGHESE, ADO 16 LFO FIRPO and CARLO 17 S CORDONE - CARDO, were 18 called as witnesses, having been duly 19 sworn by the Notary Public, were examined 20 and testified as follows: 21 22 DR. WEINFELD: So all three are 23 sworn now, good. So the Department will 24 proceed. 25 DR. FIRPA: Mr. Chairman, ladies</p>	<p style="text-align: right;">Page 12</p> <p>1 LEENA VARUGHESE 2 but a carefully weighed and deliberated 3 decision. 4 The decision made after major and 5 repeated efforts to address her concerns 6 about being able to satisfy all her 7 residency requirements to qualify for the 8 Board examination in 2012 and in response 9 to her persistent accusations of unfair 10 treatment by everyone whenever she was 11 expected to be accountable for her conduct 12 and decisions. 13 Despite all efforts, she was 14 insubordinate toward her chief residents, 15 the program director, and unprofessional 16 in her dealings with others and towards 17 her responsibilities to the faculty and 18 the staff. 19 She lacked insight about her 20 problematic behavior, how damaging they 21 were to others and how disruptive it was 22 to the program operations. 23 Repeatedly she demonstrated her 24 lack of integrity toward her professional 25 responsibilities and poor sense of moral</p>
<p style="text-align: right;">Page 11</p> <p>1 LEENA VARUGHESE 2 and gentlemen, members of the Committee, 3 good evening. 4 My name is Adolfo Firpa 5 Bettencourt, I am the Director of 6 Pathology Educational Activities as of the 7 1st of July of 2011. 8 When I joined Mount Sinai my 9 primary duty is to oversee accredited 10 pathology training programs, both 11 residency and fellowships, and together 12 with Dr. Pat Lento, the Pathology 13 Residency Program Director, to assess, 14 monitor and guide compliance with all 15 ACGME accreditation requirements as 16 specified in the Residency Review 17 Committee for Pathology guidelines. 18 And the directives of the Mount 19 Sinai's institutional GME office and other 20 institutional policies. 21 At this hearing we will demonstrate 22 unequivocally that the decision to 23 summarily suspend and terminate Dr. 24 Varughese from the pathology residency 25 program was not arbitrary, nor capricious,</p>	<p style="text-align: right;">Page 13</p> <p>1 LEENA VARUGHESE 2 judgment. 3 The documentation we provided and 4 the testimony of the witnesses will 5 demonstrate to you that Dr. Varughese was 6 unable to make any progress to grow into a 7 responsible medical professional as 8 expected of any accredited training 9 program. 10 The decision to terminate her from 11 residency was nothing more than the 12 ultimate result of her poor performance, 13 misconduct, insubordination, lack of 14 professionalism and integrity. 15 The decision to terminate Dr. 16 Varughese is authorized by the house staff 17 manual section on disciplinary action that 18 provides that the Department Chair may 19 terminate for cause a house officer who 20 fails to demonstrate an acceptable level 21 of professional competence, clinical 22 judgment in the treatment of patients, or 23 professionalism or who engages in any 24 activities that are a threat to the 25 welfare or safety of patients, employees,</p>

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<p>1 LEENA VARUGHESE</p> <p>2 other physicians, or the hospital itself.</p> <p>3 Dr. Varugheese also violated her</p> <p>4 residence contract which requires her to</p> <p>5 comply faithfully with and be subject to</p> <p>6 the policies, rules and regulations of the</p> <p>7 hospital.</p> <p>8 The decision to summarily suspend</p> <p>9 Dr. Varugheese was based on the judgment of</p> <p>10 the Chair of the Department, the GME</p> <p>11 office and me that her continued presence</p> <p>12 at the hospital would pose a risk to Mount</p> <p>13 Sinai and it's patients.</p> <p>14 The events documented in the</p> <p>15 materials we provided to you and the</p> <p>16 experiences that the witness will describe</p> <p>17 will demonstrate Dr. Varugheese' poor</p> <p>18 performance, persistent misconduct and a</p> <p>19 pattern of escalating insubordination.</p> <p>20 Lack of professionalism and her</p> <p>21 lack of personal and professional</p> <p>22 integrity which rapidly deteriorated</p> <p>23 between July 15th to the middle of</p> <p>24 September when this difficult, but</p> <p>25 unavoidable and necessary decision was</p>	<p>1 LEENA VARUGHESE</p> <p>2 she may represent a threat to self and to</p> <p>3 others and decided to keep her under</p> <p>4 minimal stressful conditions within the</p> <p>5 hospital for the rest of the day to be</p> <p>6 able to observe her until we make</p> <p>7 arrangement to have her seen by hospital</p> <p>8 wellness or student health wellness.</p> <p>9 DR. BRONHEIM: Can you describe</p> <p>10 her appearance that day?</p> <p>11 DR. FIRPA: Yes.</p> <p>12 Earlier in the morning I received</p> <p>13 an e-mail from the Chief Residents that</p> <p>14 they were concerned about her behavior</p> <p>15 that morning, she had come in late, showed</p> <p>16 a blank affect, she was practically</p> <p>17 unresponsive and just sitting there.</p> <p>18 The perception of the residents was</p> <p>19 that she may be undergoing a major crisis</p> <p>20 and that she may -- they were afraid that</p> <p>21 this could precipitate some type of</p> <p>22 radical behavior.</p> <p>23 Having been notified of that and</p> <p>24 being familiar with the policies of safety</p> <p>25 in the workplace, I immediately</p>
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<p>1 LEENA VARUGHESE</p> <p>2 made.</p> <p>3 She was summarily terminated in</p> <p>4 fairness to other residents, faculty and</p> <p>5 staff, in an attempt to restore a sense of</p> <p>6 normal to the complex environment in which</p> <p>7 educational activities take place in</p> <p>8 pathology and for the very safety of the</p> <p>9 operations of the Department as they</p> <p>10 relate to patient services.</p> <p>11 On September 15th, Dr. Varugheese</p> <p>12 told me that she could not perform her</p> <p>13 work, was unable to concentrate, felt</p> <p>14 overwhelmed and was gradually losing</p> <p>15 control and needed to take a leave of</p> <p>16 absence.</p> <p>17 Out of concern for her well-being</p> <p>18 as well as the hospital and it's patients,</p> <p>19 I instructed residents and supervisors to</p> <p>20 excuse her from her regular</p> <p>21 responsibilities and consulted with her</p> <p>22 rotation supervisor to arrange for a light</p> <p>23 work schedule for the day.</p> <p>24 We were so concerned by her</p> <p>25 appearance that day that we concluded that</p>	<p>1 LEENA VARUGHESE</p> <p>2 communicated with the Human Resources</p> <p>3 Department, the office of GME, the</p> <p>4 Department Chair and others, about the</p> <p>5 situation.</p> <p>6 Called and requested somebody to</p> <p>7 come and assess the situation until I was</p> <p>8 able to arrive.</p> <p>9 Upon my arrival I found her</p> <p>10 literally quiet, sitting at her desk,</p> <p>11 looking at some slides.</p> <p>12 I asked her to talk to her in</p> <p>13 private. We proceeded to the student</p> <p>14 lounge and I asked her bluntly what's</p> <p>15 wrong?</p> <p>16 She first said nothing. Finally I</p> <p>17 insisted that I know something is wrong,</p> <p>18 please tell me, I know you now, what seems</p> <p>19 to be the problem?</p> <p>20 And then she relayed I cannot take</p> <p>21 it anymore, I feel very bad, I am unable</p> <p>22 to work, I cannot concentrate, I have not</p> <p>23 prepared a presentation that I have been</p> <p>24 asked to prepare many times, not because I</p> <p>25 really don't want to, but because I feel</p>

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<p>1 LEENA VARUGHESE</p> <p>2 unable to concentrate and do any work.</p> <p>3 And I really feel overwhelmed and I</p> <p>4 think I need to take a leave of absence,</p> <p>5 go away for a while.</p> <p>6 Even during her narration, she</p> <p>7 exhibited behavior which made me suspect</p> <p>8 that this may be an organic episode, for</p> <p>9 moments she'll stop her narrative, she'll</p> <p>10 flicker her eyes, as if having a petit mal</p> <p>11 seizure then will continue and captured</p> <p>12 her train of thought.</p> <p>13 I was really, really very</p> <p>14 concerned.</p> <p>15 I instructed her to calm down,</p> <p>16 don't be stressed, I'll make arrangements</p> <p>17 for you to be excused for all duties of</p> <p>18 the day.</p> <p>19 I talked to the Chief Residents and</p> <p>20 instructed them not to bother her, and</p> <p>21 excuse her from all the activity.</p> <p>22 I went and found her rotation</p> <p>23 supervisor, Dr. Peterson, discussed my</p> <p>24 impressions, he shared with me that he had</p> <p>25 been observing some deterioration also,</p>	<p>1 LEENA VARUGHESE</p> <p>2 afternoon after the initial incident in</p> <p>3 the morning.</p> <p>4 Despite my explicit instructions of</p> <p>5 not to come to work, she continued to come</p> <p>6 and meet with her rotation supervisor in</p> <p>7 private without any other work</p> <p>8 responsibilities.</p> <p>9 Her lack of insight about her</p> <p>10 unstable conduct, her apparent lack of</p> <p>11 understanding of the potential risks she</p> <p>12 posed to others after having acknowledged</p> <p>13 her inability to concentrate and being</p> <p>14 unable to perform at a minimal level of</p> <p>15 competence are the factors that we</p> <p>16 considered to represent a risk to other</p> <p>17 persons in the work environment and</p> <p>18 ultimately to the safety of patients and</p> <p>19 the quality of services provided by our</p> <p>20 Department.</p> <p>21 These were the the ultimate reasons</p> <p>22 that led to her summary suspension on</p> <p>23 September 21, 2011.</p> <p>24 The Pathology Department at Mount</p> <p>25 Sinai, as you may well know, is the</p>
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<p>1 LEENA VARUGHESE</p> <p>2 but didn't feel that it had been so</p> <p>3 serious, but it was not a surprise.</p> <p>4 So we agreed to put a very light</p> <p>5 workload for the day, so that she'll be</p> <p>6 able to remain under observation.</p> <p>7 With that, and I then proceeded to</p> <p>8 find out what was the necessary steps to</p> <p>9 take to arrange for a leave of absence,</p> <p>10 what are the requirements, what were the</p> <p>11 procedures, and that I left leaving her</p> <p>12 behind under those instructions.</p> <p>13 Out of concern for Dr. Varughese as</p> <p>14 well as the hospital, I instructed the</p> <p>15 residents and supervisor to excuse her</p> <p>16 from regular responsibilities and</p> <p>17 consulted with her rotation supervisor I</p> <p>18 just described.</p> <p>19 Despite my explicit instructions --</p> <p>20 the following morning I formally advised</p> <p>21 her not to report back to work until she</p> <p>22 has secured a doctor's note and had</p> <p>23 completed the required application for her</p> <p>24 leave of absence as she was instructed by</p> <p>25 Ms. Patel on the 15th at noon in the early</p>	<p>1 LEENA VARUGHESE</p> <p>2 largest in any single comparable academic</p> <p>3 institution in New York City.</p> <p>4 The surgical pathology case volume</p> <p>5 is over 150,000 specimens per year, and</p> <p>6 our clinical laboratory service processing</p> <p>7 is comparable to a commercial laboratory</p> <p>8 in volume and complexity.</p> <p>9 Educational pathology programs</p> <p>10 include the residency and specialty</p> <p>11 fellowships in cytology, gastrointestinal</p> <p>12 pathology, gynecologic pathology, liver</p> <p>13 pathology, molecular genetics, surgical</p> <p>14 pathology, as well as elective rotations</p> <p>15 to visiting students and pathology</p> <p>16 rotations, to residents in other specialty</p> <p>17 training programs here at Mount Sinai.</p> <p>18 The Mount Sinai pathology residency</p> <p>19 offers three options, clinical pathology</p> <p>20 only program for three years or the</p> <p>21 combined anatomic clinical pathology</p> <p>22 program over four years.</p> <p>23 Most of our residents choose the</p> <p>24 combined program, as did Dr. Varughese.</p> <p>25 The program proceeds in a series of</p>

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<p style="text-align: right;">Page 22</p> <p>1 LEENA VARUGHESE</p> <p>2 sequential rotations for periods of time</p> <p>3 proscribed by the ACGME which provide the</p> <p>4 ability to sit for the Board specialty</p> <p>5 examination.</p> <p>6 The rotations provide educational</p> <p>7 experiences for the resident to acquire</p> <p>8 knowledge and skills necessary to grow</p> <p>9 professionally into a competent,</p> <p>10 independent general pathologist in</p> <p>11 practice.</p> <p>12 The combined program requires a</p> <p>13 minimum of 18 months rotations in each of</p> <p>14 the AP and CP components, the AP component</p> <p>15 requires a total of 11 months of autopsy</p> <p>16 pathology and at least 12 months of</p> <p>17 surgical pathology, training experience.</p> <p>18 Autopsy education requires each</p> <p>19 resident to perform and report at least on</p> <p>20 50 autopsies.</p> <p>21 To participate in gross organ</p> <p>22 reviews, an informal autopsy presentation</p> <p>23 by other members of the Department, the</p> <p>24 program includes time exposures to</p> <p>25 forensic, pediatric, perinatal and similar</p>	<p style="text-align: right;">Page 24</p> <p>1 LEENA VARUGHESE</p> <p>2 disciplinary actions for nonattendance to</p> <p>3 this core educational activities.</p> <p>4 Residents are evaluated according</p> <p>5 to the six ACGME core competencies which</p> <p>6 are patient care, medical knowledge,</p> <p>7 practice based learning and improvement,</p> <p>8 interpersonal and communication skills,</p> <p>9 professionalism and system based practice.</p> <p>10 In each of those domains,</p> <p>11 particularly, in practice based learning</p> <p>12 and improvement and interpersonal</p> <p>13 communications skills and professionalism,</p> <p>14 Dr. Varughese' performance demonstrated</p> <p>15 consistently lack of growth and</p> <p>16 development in acquiring the necessary</p> <p>17 skills to perform at a level of competence</p> <p>18 consistent not even with a level of a PGY</p> <p>19 3.</p> <p>20 Residents evaluations are provided</p> <p>21 by faculty at the end of each rotation,</p> <p>22 using electronic program called New</p> <p>23 Innovations, which is available to all</p> <p>24 residency programs in the institution.</p> <p>25 The evaluations are reviewed by the</p>
<p style="text-align: right;">Page 23</p> <p>1 LEENA VARUGHESE</p> <p>2 autopsy, the scheduled rotations fulfill</p> <p>3 all the rotation requirements of the</p> <p>4 ACGME.</p> <p>5 The clinical pathology component at</p> <p>6 Mount Sinai includes all the required</p> <p>7 instructional experiences for</p> <p>8 accreditation by the ACGME in all the</p> <p>9 areas, microbiology, immunopathology,</p> <p>10 blood bank and transfusion medicine,</p> <p>11 chemical pathology, cytogenetics,</p> <p>12 hematology, coagulation, toxicology,</p> <p>13 medical microoscopy, molecular biology,</p> <p>14 techniques and other advanced diagnostic</p> <p>15 techniques as they become available.</p> <p>16 Rotating residents are assigned</p> <p>17 specific tasks in areas of responsibility</p> <p>18 compatible with the level of training and</p> <p>19 the most strict level of competency in</p> <p>20 performing of the duties.</p> <p>21 The ACGME also requires programs to</p> <p>22 establish didactic component of core</p> <p>23 competencies and educational experiences</p> <p>24 and an accredited program must maintain</p> <p>25 records and have in place mechanisms for</p>	<p style="text-align: right;">Page 25</p> <p>1 LEENA VARUGHESE</p> <p>2 residents with their faculty advisor and</p> <p>3 program director semi-annually.</p> <p>4 In addition, residents are</p> <p>5 evaluated in 360 degree fashion by</p> <p>6 technical ancillary staff and surgical</p> <p>7 pathology technical staff, including</p> <p>8 physician assistants throughout the year.</p> <p>9 Dr. Varughese was a senior PGY 4</p> <p>10 resident in the combined APC pathology</p> <p>11 program. She graduated from UMDNJ New</p> <p>12 Jersey Medical School in May 2008 and was</p> <p>13 admitted and started residency with us in</p> <p>14 July 1 of 2008.</p> <p>15 Her initial performance in the</p> <p>16 program was shaky, as evidenced by her</p> <p>17 evaluations, but gradually improved</p> <p>18 sufficiently to a mostly satisfactory</p> <p>19 level and she was promoted through her</p> <p>20 third year in the program.</p> <p>21 While a PGY 3 in December 2010 Dr.</p> <p>22 Varughese was placed on academic</p> <p>23 advisement.</p> <p>24 Dr. Varughese failed to comply with</p> <p>25 the plan of actions in the academic</p>

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<p style="text-align: right;">Page 26</p> <p>1 LEENA VARUGHESE</p> <p>2 advisement, and in July 2011 she was</p> <p>3 issued a final warning by Dr. Carlos</p> <p>4 Cordone-Cardo, recently appointed new</p> <p>5 Chairman of the Department.</p> <p>6 The warnings stemmed from her</p> <p>7 failure to fulfill the requirements of the</p> <p>8 academic advisement and her behaviors at</p> <p>9 the follow-up meeting on May 24th with the</p> <p>10 Chairman and the Department administrator.</p> <p>11 These are included as Department</p> <p>12 Exhibit 3 in the manual handed to you.</p> <p>13 And the details set forth in the</p> <p>14 final warning are in Exhibit 2 of the</p> <p>15 exhibits.</p> <p>16 MR. MacDONALD: Excuse me, shall</p> <p>17 we mark -- these are the exhibits of the</p> <p>18 Department in this binder which have</p> <p>19 been passed out to everybody.</p> <p>20 Can we -- you are going to submit</p> <p>21 all of these into the record?</p> <p>22 MR. McEVOY: Yes.</p> <p>23 MR. MacDONALD: So can we mark</p> <p>24 these as you submit them as departments</p> <p>25 Exhibits 1 through 17 for our record.</p>	<p style="text-align: right;">Page 28</p> <p>1 LEENA VARUGHESE</p> <p>2 requirements to sit for the pathology</p> <p>3 Board exam in 2012.</p> <p>4 And her desire to replace her</p> <p>5 elective rotation through GI pathology</p> <p>6 with one in dermatopathology.</p> <p>7 I finally suggested we should</p> <p>8 discuss the issues related to her final</p> <p>9 warning, her problems with professionalism</p> <p>10 and any other issues related to her</p> <p>11 current situation.</p> <p>12 Initially she bluntly refused to</p> <p>13 discuss any of these issues.</p> <p>14 She told me quite clearly and</p> <p>15 explicitly that she could not discuss any</p> <p>16 of these items because she was pursuing</p> <p>17 legal action and that I had to talk with</p> <p>18 her lawyer about any of them.</p> <p>19 I had to call the GME office on</p> <p>20 three occasions during the session</p> <p>21 requesting advice, given her refusal to</p> <p>22 talk, and finally gave her two options as</p> <p>23 instructed by Mr. Paul Johnson.</p> <p>24 One, either accept to discuss these</p> <p>25 issues which are the underlying reason for</p>
<p style="text-align: right;">Page 27</p> <p>1 LEENA VARUGHESE</p> <p>2 These will be submitted to the</p> <p>3 record as you make your presentation and</p> <p>4 these will be called Department's Exhibits</p> <p>5 1 through 17.</p> <p>6 MR. McEVOY: The only other thing</p> <p>7 is that Exhibit 1 is the letter from</p> <p>8 Drs. Cordone-Cardo and Dr. Firpa, the</p> <p>9 suspense and termination letter which I</p> <p>10 think you already made reference to</p> <p>11 earlier, so that's Exhibit 1, so.</p> <p>12 MR. MacDONALD: Let's keep the</p> <p>13 numerical order of the exhibits.</p> <p>14 DR. FIRPA: The final warning was</p> <p>15 delivered to Dr. Varughese by Dr.</p> <p>16 Cordone-Cardo on July 15, 2011.</p> <p>17 Dr. Varughese' job performance</p> <p>18 after the final warning did not improve or</p> <p>19 did so marginally.</p> <p>20 On our first meeting responding to</p> <p>21 the final warning on August 2, 2011 I</p> <p>22 emphasized to her that we should consider</p> <p>23 this a new beginning.</p> <p>24 She talked about all her fears and</p> <p>25 concerns of not being able to satisfy</p>	<p style="text-align: right;">Page 29</p> <p>1 LEENA VARUGHESE</p> <p>2 the final warning, or two, refuse to do so</p> <p>3 and incur another violation that will</p> <p>4 require further disciplinary action,</p> <p>5 including the possibility of her dismissal</p> <p>6 from the program.</p> <p>7 After a long pause she finally</p> <p>8 accepted to talk and we agreed to meet</p> <p>9 bi-weekly on Tuesday mornings at 9:00 over</p> <p>10 three months for a total of seven 50</p> <p>11 minute sessions about professionalism,</p> <p>12 concepts, challenges and its demands on</p> <p>13 medical professionals.</p> <p>14 I explained to her that during the</p> <p>15 first week of each rotation she would meet</p> <p>16 with her rotation supervisor to review the</p> <p>17 specific competence level objectives and</p> <p>18 to make sure that she understood the</p> <p>19 specific responsibilities assigned to her</p> <p>20 during the rotation.</p> <p>21 I also told her that at the end of</p> <p>22 the rotation I will obtain feedback on her</p> <p>23 performance.</p> <p>24 Particularly on each level of the</p> <p>25 competence areas, paying attention to</p>

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<p style="text-align: right;">Page 30</p> <p>1 LEENA VARUGHESE</p> <p>2 improvement in her professional behavior.</p> <p>3 I made it clear that she should</p> <p>4 become familiar with the six ACGME</p> <p>5 competence based objectives and explained</p> <p>6 to her that these would provide a neutral</p> <p>7 ground to objectively discuss her growth</p> <p>8 in each competence over the three months</p> <p>9 of the final warning, and her upcoming</p> <p>10 rotations.</p> <p>11 Our shared goal was to put the past</p> <p>12 behind, move forward beyond the three</p> <p>13 months ahead so she could proceed to</p> <p>14 complete her training.</p> <p>15 I agreed to look into her program</p> <p>16 of rotations to ascertain her status and</p> <p>17 meeting requirements to make the Board's</p> <p>18 exam in 2012 and to explore the</p> <p>19 possibility of switching her elective GI</p> <p>20 rotations for one in pathology.</p> <p>21 At the end of the session I gave</p> <p>22 her a printed copy of the ACGME</p> <p>23 requirements for pathology residency</p> <p>24 programs and asked her to review them,</p> <p>25 paying particular attention to requirement</p>	<p style="text-align: right;">Page 32</p> <p>1 LEENA VARUGHESE</p> <p>2 Dr. Najfeld's complaining about her lack</p> <p>3 of interest in the work she was assigned</p> <p>4 to do in the laboratory, her consistent</p> <p>5 late arrivals to work, her early</p> <p>6 departures, her inability to follow</p> <p>7 instructions, her lack of insight and</p> <p>8 understanding of the basic principles of</p> <p>9 even preparing a case for presentation,</p> <p>10 her absence from the lab, her</p> <p>11 disrespectful attitude toward her and her</p> <p>12 staff and many other troublesome behaviors</p> <p>13 over this two week rotation and deficient</p> <p>14 medical knowledge.</p> <p>15 Worse and most disheartening to</p> <p>16 everyone was her indifference to efforts</p> <p>17 made by Dr. Najfeld herself and her staff</p> <p>18 to help her recover from her dismal</p> <p>19 performance to the point of even bluntly</p> <p>20 refusing to return to the laboratory to</p> <p>21 work with her and redo a poorly prepared</p> <p>22 presentation that was scheduled for the</p> <p>23 next day.</p> <p>24 While still rotating through the</p> <p>25 cytogenetics laboratory she started to</p>
<p style="text-align: right;">Page 31</p> <p>1 LEENA VARUGHESE</p> <p>2 number 5 on professionalism.</p> <p>3 My assignment to her was simple,</p> <p>4 think about what it really means to be a</p> <p>5 professional.</p> <p>6 Over the following days and weeks</p> <p>7 identify professional behaviors in your</p> <p>8 working environment and observe examples</p> <p>9 of behaviors that she'll consider</p> <p>10 unprofessional.</p> <p>11 The objective was to begin an open</p> <p>12 discussion about professionalism and the</p> <p>13 challenges it might pose to medical</p> <p>14 professionals as they perform their</p> <p>15 responsibilities.</p> <p>16 She agreed to put the past behind</p> <p>17 and move forward toward completion of her</p> <p>18 residency program and the specialty Boards</p> <p>19 in 2012.</p> <p>20 Despite an apparent good start, her</p> <p>21 inability to behave professionally and</p> <p>22 responsibly started to surface during her</p> <p>23 rotation through tumor cytogenetics and</p> <p>24 Dr. Vesna Najfeld's laboratory.</p> <p>25 I received calls and e-mails from</p>	<p style="text-align: right;">Page 33</p> <p>1 LEENA VARUGHESE</p> <p>2 have problems, she continued to have</p> <p>3 problems with the Chief Residents, being</p> <p>4 insubordinate, questioning every action</p> <p>5 and requesting -- and any requests to</p> <p>6 comply with established procedures on</p> <p>7 policies that were recently agreed upon</p> <p>8 and implemented as required by the ACGME.</p> <p>9 She refused to cover frozen section</p> <p>10 service when a fellow resident called in</p> <p>11 sick, then tried to avoid covering</p> <p>12 surgical pathology service on another</p> <p>13 occasion of the same resident's illness.</p> <p>14 She ignored pages, e-mails and even</p> <p>15 an on occasion offered explanations and</p> <p>16 excuses for her failures to respond that</p> <p>17 were interpreted as questionable reasoning</p> <p>18 such as well, not to respond means that I</p> <p>19 agree to cover.</p> <p>20 Or not having -- I don't have to</p> <p>21 respond to e-mails that just state facts</p> <p>22 and don't ask questions.</p> <p>23 As I promised her to do during the</p> <p>24 initial meeting, I asked Dr. Lento to</p> <p>25 ascertain that she'll be able to satisfy</p>

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<p style="text-align: right;">Page 34</p> <p>1 LEENA VARUGHESE</p> <p>2 requirements to take the pathology Board</p> <p>3 exam in 2012, as she wished.</p> <p>4 We found that she had only</p> <p>5 performed 24 of her required 50 autopsies</p> <p>6 over three years of training.</p> <p>7 Dr. Lento immediately contacted the</p> <p>8 office of the Medical Examiner to arrange</p> <p>9 that during her rotation there she'll be</p> <p>10 able to participate in at least one</p> <p>11 autopsy per day so that she could meet the</p> <p>12 requirement.</p> <p>13 We reviewed the total rotation</p> <p>14 hours to the various clinical pathology</p> <p>15 service she had completed and was on</p> <p>16 schedule over the following months.</p> <p>17 To our satisfaction we were</p> <p>18 confident that she would be able to</p> <p>19 fulfill the required 18 months in the</p> <p>20 required areas specified by the ACGME</p> <p>21 review and required to be eligible to sit</p> <p>22 for the board exam.</p> <p>23 I informed her of these efforts and</p> <p>24 each time she complained of being treated</p> <p>25 unfairly, insisting that other residents</p>	<p style="text-align: right;">Page 36</p> <p>1 LEENA VARUGHESE</p> <p>2 special consideration which was granted,</p> <p>3 but despite all efforts and consideration</p> <p>4 it was finally decided that it was not</p> <p>5 possible to allow her to drop the GI</p> <p>6 elective, which was turned out to have</p> <p>7 been requested by her at the time the</p> <p>8 schedule was prepared.</p> <p>9 Repeatedly she refused to accept</p> <p>10 the denial to her request to drop the</p> <p>11 elective in GI, violating the established</p> <p>12 policy and protocol and creating problems</p> <p>13 with attendings and residents, even making</p> <p>14 claims of events and actions that could</p> <p>15 not be substantiated, or even confirmed</p> <p>16 but by the very same individuals that she</p> <p>17 had indicated could witness and support</p> <p>18 her statements.</p> <p>19 Problems with her behavior</p> <p>20 continued and even escalated, she was</p> <p>21 unwilling to prepare and make a</p> <p>22 presentation on the topic of her choice as</p> <p>23 penalty for being absent for more than 20</p> <p>24 percent of the required mandatory core</p> <p>25 morning conferences over the preceding</p>
<p style="text-align: right;">Page 35</p> <p>1 LEENA VARUGHESE</p> <p>2 had more elective time, or more rotation</p> <p>3 time in areas or another, that the</p> <p>4 rotations she had received were not</p> <p>5 providing enough experience for her to</p> <p>6 feel competently prepared for making the</p> <p>7 board exam.</p> <p>8 Given the possibility that she may</p> <p>9 not have completed all requirements by the</p> <p>10 deadline to apply for the Board</p> <p>11 examination, and anticipating that she may</p> <p>12 have to pay a late application penalty</p> <p>13 fee, I consulted with our Chairman, Dr.</p> <p>14 Cordone-Cardo, and suggested to him to</p> <p>15 help her by paying the penalty fee, and he</p> <p>16 agreed to do so.</p> <p>17 I personally contacted Dr. Miriam</p> <p>18 Berchay and ascertained that if she would</p> <p>19 be able to change the rotation schedule</p> <p>20 and it will be possible and acceptable for</p> <p>21 her to drop the GI elective she could</p> <p>22 rotate through the dermatopathology</p> <p>23 instead of GI.</p> <p>24 I reminded her of the procedure and</p> <p>25 personally requested that she be given</p>	<p style="text-align: right;">Page 37</p> <p>1 LEENA VARUGHESE</p> <p>2 training block.</p> <p>3 She questioned the validity of</p> <p>4 having the requirement as part of our</p> <p>5 departmental policy.</p> <p>6 She misrepresented information and</p> <p>7 regarding attendance to other educational</p> <p>8 activities and conferences, both here and</p> <p>9 at the VA.</p> <p>10 She fought fought all the way and</p> <p>11 by every means not to comply with this</p> <p>12 minor task of a senior resident, twice she</p> <p>13 called in sick when she had been scheduled</p> <p>14 and finally made her presentation and</p> <p>15 finally on another day just came in late,</p> <p>16 sat through the presentation of a fellow</p> <p>17 scheduled to speak before her, and as he</p> <p>18 was finishing his presentation, just stood</p> <p>19 up and walked out without a word.</p> <p>20 On the 17th of August we had our</p> <p>21 second meeting under the final warning,</p> <p>22 Shema Patel, Department Administrator,</p> <p>23 witnessed the meeting.</p> <p>24 The meeting went surprisingly well</p> <p>25 after all the events that transpired just</p>

10 (Pages 34 to 37)

<p style="text-align: right;">Page 38</p> <p>1 LEENA VARUGHESE</p> <p>2 before, she had no objections to have Ms.</p> <p>3 Patel present.</p> <p>4 We discussed in detail the problems</p> <p>5 with her performance as a resident and the</p> <p>6 numerous e-mail exchanges related to</p> <p>7 request to acknowledge minutes of the</p> <p>8 residents meeting, the new policies and to</p> <p>9 abide by the new policies questioning</p> <p>10 authority and changes in the overall</p> <p>11 operation of the residency with new</p> <p>12 control that did not seem to make sense</p> <p>13 and appeared unjustified.</p> <p>14 I made it clear that the policies</p> <p>15 were available on the G drive and</p> <p>16 available for her review at any time. She</p> <p>17 said that she had already signed</p> <p>18 acknowledged receipt of the minutes and</p> <p>19 policies on the 15th as required by the</p> <p>20 Chief Residents.</p> <p>21 I explained to her that the</p> <p>22 policies were to fulfill accreditational</p> <p>23 requirements and standards.</p> <p>24 We agreed that it would provide</p> <p>25 objective documentation of any issues we</p>	<p style="text-align: right;">Page 40</p> <p>1 LEENA VARUGHESE</p> <p>2 excellent web reference at some website on</p> <p>3 professionalism in pathology practice that</p> <p>4 she felt everybody should read as part of</p> <p>5 her training.</p> <p>6 I asked her to e-mail the link and</p> <p>7 that I will read it and consider placing</p> <p>8 it in the program description.</p> <p>9 Once again, swspite an apparent</p> <p>10 improvement in her attitude at the meeting</p> <p>11 on 8/17, and some positive and promising</p> <p>12 interactiona with the Chief Residents on</p> <p>13 the following days, problems resurfaced</p> <p>14 once again over an apparen</p> <p>15 miainterpretatio TAEUGS of a scheduled</p> <p>16 call during the Memorial Day weekend which</p> <p>17 when ultimately clarified, but led to the</p> <p>18 resurgence of Dr. Varughese' determination</p> <p>19 to drop out of the elective GI rotation</p> <p>20 and replace it with one through the</p> <p>21 dermatopathology.</p> <p>22 Given her strong argument and</p> <p>23 apparent genuine desire to get additional</p> <p>24 exposure to dermatopathology, one of the</p> <p>25 Chief Residents arranged for early morning</p>
<p style="text-align: right;">Page 39</p> <p>1 LEENA VARUGHESE</p> <p>2 have discussed and she agreed to bring</p> <p>3 documentation to support any explanations</p> <p>4 she had given to explain the circumstances</p> <p>5 of her conduct as described that morning.</p> <p>6 She said that she was aware that</p> <p>7 this disciplinary action may culminate in</p> <p>8 some further action and that she would</p> <p>9 appreciate knowing as soon as possible</p> <p>10 what was being considered for her so that</p> <p>11 she could act accordingly.</p> <p>12 She also claimed that she was never</p> <p>13 given a fair chance to resolve events that</p> <p>14 led to her present disciplinary action and</p> <p>15 that she had written the reflection and</p> <p>16 had fulfilled all the requirements.</p> <p>17 She claimed that Dr. Cardone-Cor</p> <p>18 notifying her of the disciplinary action</p> <p>19 at this time was confusing and she was not</p> <p>20 clear what she was supposed to do or</p> <p>21 accomplish.</p> <p>22 I handed her a printed paper on</p> <p>23 professionalism to discuss our next</p> <p>24 session.</p> <p>25 She mentioned having found an</p>	<p style="text-align: right;">Page 41</p> <p>1 LEENA VARUGHESE</p> <p>2 sign up of cases with Dr. Phelps, the</p> <p>3 Director of the Dermatology Division who</p> <p>4 is at work early and signs up cases</p> <p>5 between 6:00 and 8:00 in the morning.</p> <p>6 He agreed to offer her access to</p> <p>7 this period to discuss cases with her.</p> <p>8 She was also offered to have access</p> <p>9 to additional private learning material</p> <p>10 that this chief resident had obtained on</p> <p>11 dermatopathology, given that is her</p> <p>12 personal interest as a specialty.</p> <p>13 In an effort to be helpful Dr.</p> <p>14 Varughese was repeatedly informed that her</p> <p>15 request for dropping GI elective had been</p> <p>16 denied, that she was expected to report to</p> <p>17 rotation as scheduled.</p> <p>18 Nevertheless, on September 1st she</p> <p>19 approached Dr. Harpaz directly and once</p> <p>20 again began another cycle of discussions</p> <p>21 and arguments about not doing the elective</p> <p>22 GI rotation.</p> <p>23 By now she claimed to have already</p> <p>24 made her own arrangements to attend a</p> <p>25 review conference on pathology in Florida,</p>

11 (Pages 38 to 41)

<p style="text-align: right;">Page 42</p> <p>1 LEENA VARUGHESE 2 and just informed everyone that she'll not 3 be available to do the GI rotation and 4 she'll find someone to cover for her. 5 Period. 6 Her third and final warning meeting 7 had been scheduled for Wednesday, the 7th 8 September at 7:00 a.m. at her own request, 9 but she did not show up. 10 At around 11:45 that day she sent 11 an e-mail apologizing for missing the 12 appointment and claiming that she had 13 tried to call me several times, but the 14 call had not gone through and was 15 repeatedly dropped. 16 She requested to meet the following 17 week in the afternoon. 18 I replied to her and reminded her 19 that as part of starting a new rotation 20 through hemopathology she had to meet with 21 her supervisor and review the competence 22 based objectives as per the ACGME 23 requirements, and be clear about what she 24 was expected to do during her rotation. 25 I also told her that requests to</p>	<p style="text-align: right;">Page 44</p> <p>1 LEENA VARUGHESE 2 rotation, having and obtaining the 3 agreement of both attendings. 4 At no time did I guarantee to her 5 that the change will proceed. 6 Much less, by my decision alone. 7 Eventually she brought the issue, 8 on September 15th emerged the need for the 9 leave of absence. 10 She was instructed to contact Dr. 11 Hughes of the wellness committee which she 12 has repeatedly failed to do, initially 13 claiming that her interaction in the past 14 with the wellness committee had been 15 unfruitful and really a waste of time. 16 Ms. Patel and Dr. Varughese -- 17 later on as over the following days she 18 continued to report to work when she was 19 told not to, to process for her leave of 20 absence. 21 She was encountered by Ms. Patel in 22 the morning near the Starbucks buying 23 coffee and she reported that she was on 24 the way to work. 25 She was reminded that she was not</p>
<p style="text-align: right;">Page 43</p> <p>1 LEENA VARUGHESE 2 drop out of the elective GI rotation was 3 officially denied, and any arguments 4 concerning this issue should be over. 5 She was expected to report to the 6 service as scheduled. 7 Later that afternoon she sent an 8 e-mail raising all kind of issues about 9 the unfairness of the final decision. 10 Around 2:30 p.m. she came into my 11 office and a very gradually escalating 12 tone and practically yelling at me towards 13 the end, claimed that she was once again 14 being treated unfairly and insisting that 15 I had committed to make it happen for her, 16 since I had mentioned that it may be 17 possible when we first talked about it as 18 a possibility. 19 I reminded her that at all times I 20 had made her fully aware that there was a 21 process to follow and that I would only 22 intervene on her behalf, the final 23 decision would have to depend on the 24 feasibility of others on the schedule, 25 finding a replacement for her during the</p>	<p style="text-align: right;">Page 45</p> <p>1 LEENA VARUGHESE 2 supposed to come to work and was invited 3 to come over to Ms. Patel's office at the 4 President's chamber. 5 Ms. Patel then called the Office of 6 Human Resources for advisement how to 7 proceed, and me. 8 For a short time she stepped out of 9 the office, for 5 minutes, and on her 10 return found Dr. Varughese going over her 11 personal private confidential files in her 12 desk. 13 When addressed and asked what she 14 was doing, she initially denied that she 15 had been doing anything, eventually told 16 her to chill out, continued to dismiss as 17 a totally trivial event and eventually was 18 convinced to go and meet with the Human 19 Resources with representatives of the 20 Human Resources at the present time. 21 And Mr. Paul Jones, also from the 22 GME office. 23 Given a few -- these are just some 24 examples of her poor performance and mixed 25 conduct which the witnesses will relate in</p>

12 (Pages 42 to 45)

<p style="text-align: right;">Page 46</p> <p>1 LEENA VARUGHESE</p> <p>2 more detail as we call upon them to</p> <p>3 describe to you their experiences.</p> <p>4 Dr. Varughese, I already said at</p> <p>5 the beginning the conditions that led to</p> <p>6 our termination -- to the termination</p> <p>7 process.</p> <p>8 It was not an easy decision, it was</p> <p>9 over the concerns of the risks her</p> <p>10 presence represented to patient's</p> <p>11 well-being and the capacity of working</p> <p>12 effectively.</p> <p>13 On the 21st she showed up to work,</p> <p>14 she sat at her desk, she refused to leave,</p> <p>15 she had been scheduled for a meeting that</p> <p>16 day in the afternoon to discuss the terms</p> <p>17 of her future in the Department.</p> <p>18 At that point when addressed by Ms.</p> <p>19 Patel and myself, she said that she'll not</p> <p>20 leave until she had something in writing</p> <p>21 instructing her to leave the premises.</p> <p>22 At that point we called upon the</p> <p>23 Office of Human Resources, Dr. Hughes and</p> <p>24 the office of the GME who convened</p> <p>25 immediately and tried to make a decision</p>	<p style="text-align: right;">Page 48</p> <p>1 LEENA VARUGHESE</p> <p>2 experience and review the documents that</p> <p>3 we have provided for you, we are confident</p> <p>4 that you will find that the decision to</p> <p>5 terminate Dr. Varughese was, indeed, not</p> <p>6 arbitrary or capricious in any way.</p> <p>7 And that responded to the best</p> <p>8 interests of the patients and the</p> <p>9 hospital.</p> <p>10 That's the end of my statement.</p> <p>11 DR. WEINFELD: So we are going to</p> <p>12 call some witnesses?</p> <p>13 MR. MacDONALD: Well, I think Dr.</p> <p>14 Varughese may have an opportunity to ask</p> <p>15 questions and the Committee may also ask</p> <p>16 questions directly to clarify anything</p> <p>17 that Dr. Firpa may have said.</p> <p>18 MR. McEVOY: What I would ask in</p> <p>19 addition to the committee asking Dr.</p> <p>20 Firpa's statement as the opening</p> <p>21 statement of the Department, that they</p> <p>22 also accept his statement to the extent</p> <p>23 it articulates his personal experiences</p> <p>24 as his testimony so as the need to avoid</p> <p>25 calling him again as a witness and then</p>
<p style="text-align: right;">Page 47</p> <p>1 LEENA VARUGHESE</p> <p>2 how to proceed.</p> <p>3 After some deliberation over some</p> <p>4 hours it was decided to proceed with her</p> <p>5 summary termination, she was then invited</p> <p>6 into Dr. Carlos Cordone-Cardo's office</p> <p>7 where she was handed the letter of</p> <p>8 termination and instructed to review the</p> <p>9 final paragraph which specified her rights</p> <p>10 under the law and the policies and</p> <p>11 regulations of the hospital.</p> <p>12 During the whole process she</p> <p>13 insisted in having -- in arguing some of</p> <p>14 the content, in bringing other information</p> <p>15 that was irrelevant to the issue.</p> <p>16 Repeatedly she has to be reminded</p> <p>17 this is not an argument, this is not a</p> <p>18 discussion, this is a final decision,</p> <p>19 these are your rights, read them carefully</p> <p>20 and you have a given amount of time to</p> <p>21 request an appeal.</p> <p>22 Those were the events that led to</p> <p>23 the termination.</p> <p>24 I shall conclude by saying that</p> <p>25 after you will hear all the witnesses'</p>	<p style="text-align: right;">Page 49</p> <p>1 LEENA VARUGHESE</p> <p>2 Dr. Varughese, as Mr. MacDonald</p> <p>3 suggests, if she wants to ask Dr. Firpa</p> <p>4 questions about the things to which he</p> <p>5 testified, then that would I think</p> <p>6 expedite the proceeding.</p> <p>7 DR. WEINFELD: That sounds very</p> <p>8 reasonable, as long as Dr. Firpa is</p> <p>9 available for questioning.</p> <p>10 MR. MacDONALD: Dr. Varughese may</p> <p>11 have questions herself to ask or the</p> <p>12 committee may have questions, also.</p> <p>13 DR. WEINFELD: So we want to</p> <p>14 allow for questions now or do we want to</p> <p>15 have Dr. Varughese give her</p> <p>16 presentation?</p> <p>17 MR. MacDONALD: I think what</p> <p>18 should happen, Dr. Weinfeld, is the</p> <p>19 Department should make it's full</p> <p>20 presentation with its witnesses, but as</p> <p>21 each witness testifies I think Dr.</p> <p>22 Varughese should have the opportunity to</p> <p>23 ask questions while the witnesses are</p> <p>24 present.</p> <p>25 DR. WEINFELD: Do you want to go</p>

13 (Pages 46 to 49)

<p style="text-align: right;">Page. 50</p> <p>1 LEENA VARUGHESE</p> <p>2 ahead and ask Dr. Dr. Firpa any</p> <p>3 questions as theoretically the first</p> <p>4 witness?</p> <p>5 DR. VARUGHESE: Sure, yeah, I</p> <p>6 think I will.</p> <p>7</p> <p>8 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>9</p> <p>10 Q So you said that on September 15</p> <p>11 you thought my appearance and behavior was very</p> <p>12 unusual or radical? Like what do you mean by</p> <p>13 that?</p> <p>14 A It was very concerning in terms</p> <p>15 of your mental status.</p> <p>16 Q How so?</p> <p>17 A Well, you exhibited total</p> <p>18 flattened affect, very slow responses,</p> <p>19 proceeded to give a very chaotic statement</p> <p>20 about being unable to cope, being overwhelmed</p> <p>21 by your work, not being able to concentrate as</p> <p>22 the reasons for your persistent refusals to</p> <p>23 prepare the presentation that you were required</p> <p>24 to do.</p> <p>25 During the presentation you even</p>	<p style="text-align: right;">Page 52</p> <p>1 LEENA VARUGHESE</p> <p>2 light work day so that you can remain in</p> <p>3 premises until we find out how to proceed about</p> <p>4 your consensual request to procure a leave of</p> <p>5 absence.</p> <p>6 Q Well, I think I did state to you</p> <p>7 that I was fine and I wanted to be at work and</p> <p>8 I was going to be able to cope with whatever it</p> <p>9 was, but my specific concern was the rash of</p> <p>10 e-mails that was being sent to me about</p> <p>11 presentation, about acknowledgment of policies</p> <p>12 which did not even go into effect until the</p> <p>13 15th which was halfway through period 2.</p> <p>14 A That's not a question, Dr.</p> <p>15 Varughese. What is it that you want me to</p> <p>16 respond to?</p> <p>17 Q I am just wondering why you're</p> <p>18 falsifying what actually happened?</p> <p>19 How are you so certain that's</p> <p>20 what happened?</p> <p>21 A Well, that's what happened, I</p> <p>22 was there, there were witnesses all around us,</p> <p>23 it took place over -- other than the few</p> <p>24 minutes we had in private discussion,</p> <p>25 everything else was witnessed before and</p>
<p style="text-align: right;">Page 51</p> <p>1 LEENA VARUGHESE</p> <p>2 paused at one point, flickered your eyes,</p> <p>3 which were to me indicative or reminiscent of a</p> <p>4 petit mal seizure, then recapture your line of</p> <p>5 thinking and continued.</p> <p>6 Q Okay, so when you were speaking</p> <p>7 to me, wasn't Ms. Patel also there?</p> <p>8 A No, the first session in the</p> <p>9 morning when I first came we were alone, then I</p> <p>10 returned with Ms. Patel.</p> <p>11 Q You didn't initially arrive with</p> <p>12 Ms. Patel, or it was within like half an hour</p> <p>13 of these two incidents?</p> <p>14 A I arrived early in the morning.</p> <p>15 As soon as I was able to reach the place, I</p> <p>16 found you in that condition.</p> <p>17 I called you to a private</p> <p>18 session in the lounge room, and after seeing</p> <p>19 this situation I came out, we were alone, I</p> <p>20 came back, I instructed the residents to excuse</p> <p>21 you from all responsibilities that day, as I</p> <p>22 had asked you if you wanted me to do, I also</p> <p>23 went and talked to your supervisor,</p> <p>24 Dr. Peterson, about your status and suggested</p> <p>25 that if he -- if it would be possible to have a</p>	<p style="text-align: right;">Page 53</p> <p>1 LEENA VARUGHESE</p> <p>2 afterwards, and when I returned with Ms. Patel</p> <p>3 and the information to provide you the forms on</p> <p>4 how to request the leave of absence that you</p> <p>5 indicated, she was able to confirm the</p> <p>6 condition in which you were in that day.</p> <p>7 Again, in front of her in the</p> <p>8 second session you reiterated your need to take</p> <p>9 a leave of absence because you were unable to</p> <p>10 cope.</p> <p>11 Q I said -- I don't think that's</p> <p>12 what I said. I never said unable to cope, I</p> <p>13 said that I would consider taking a leave of</p> <p>14 absence if my physicians can approve it and</p> <p>15 it's a foreseeable --</p> <p>16 A That's not a question again, Dr.</p> <p>17 Varughese. What is it you want me to respond</p> <p>18 to.</p> <p>19 Q That's what I said to you. So I</p> <p>20 don't understand why you are misrepresenting</p> <p>21 what had happened that morning?</p> <p>22 A I am not misrepresenting</p> <p>23 anything, I am just relating the summary of the</p> <p>24 experience.</p> <p>25 Q That's your impression.</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 54</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. WEINFELD: Is Ms. Patel being</p> <p>3 called as a witness?</p> <p>4 MR. McEVROY: Yes.</p> <p>5 DR. WEINFELD: She would be able</p> <p>6 to answer some of these questions as</p> <p>7 well.</p> <p>8 Q Then you said -- what's your</p> <p>9 experience in clinical medicine, because you</p> <p>10 said that I'm having a petit mal seizure?</p> <p>11 A Well, I went through medical</p> <p>12 school.</p> <p>13 Q So you are not an expert, but</p> <p>14 you made --</p> <p>15 A I did not claim, I said it was</p> <p>16 an impression.</p> <p>17 Q All right, fine.</p> <p>18 A I did not make a diagnosis.</p> <p>19 Q That's fine, thank you.</p> <p>20 You said Dr. Lento mentioned</p> <p>21 that I had only performed 24 autopsies?</p> <p>22 A 24 or 26, that was the total.</p> <p>23 Q I had corrected that, in fact I</p> <p>24 had done 36 autopsies to completion and</p> <p>25 assisted in, perhaps, at least 3 or 4?</p>	<p style="text-align: right;">Page 56</p> <p>1 LEENA VARUGHESE</p> <p>2 In fact, there are 36 autopsies</p> <p>3 under the ACGME log and they can all be noted</p> <p>4 for and they are done to completion.</p> <p>5 A So what's your question</p> <p>6 regarding that now?</p> <p>7 Q My question is why were you led</p> <p>8 to believe that it was only 24 when I already</p> <p>9 informed you that I had also done 36?</p> <p>10 DR. WEINFELD: He already</p> <p>11 answered that, but you can submit the 36</p> <p>12 logs as a --</p> <p>13 MR. MacDONALD: Is the 36 log in</p> <p>14 your --</p> <p>15 DR. VARUGHESE: It's not there.</p> <p>16 MR. MacDONALD: You can submit</p> <p>17 that.</p> <p>18 DR. VARUGHESE: Great.</p> <p>19 Q Yes, you did say that you</p> <p>20 consulted with Dr. Cordone-Cardo regarding</p> <p>21 payment for possibly a penalty fee if I were to</p> <p>22 take the anatomic pathology boards late.</p> <p>23 When did you consult, after you</p> <p>24 told me?</p> <p>25 A Once we verified that you were</p>
<p style="text-align: right;">Page 55</p> <p>1 LEENA VARUGHESE</p> <p>2 A Again, that is not a question.</p> <p>3 What is your point?</p> <p>4 Q My point is that that's not a</p> <p>5 fact. That's once again I am being</p> <p>6 misrepresented as not having done the work that</p> <p>7 I did, but, in fact, I already did 36 autopsies</p> <p>8 satisfactorily and the Department is stating I</p> <p>9 had only done 24.</p> <p>10 A The requirement for you to be</p> <p>11 able to sit at the Boards is 50 autopsies. You</p> <p>12 realize that you had not completed the 50, and</p> <p>13 we made arrangements for you to complete</p> <p>14 whatever number was necessary to fulfill that</p> <p>15 requirement.</p> <p>16 Q In January?</p> <p>17 A When we count the 24 or 26 and</p> <p>18 we brought that to you, you said well, I have</p> <p>19 not kept up my log, and I have done many more</p> <p>20 which are not yet entered into New Innovation,</p> <p>21 the only source that we had to make the counts</p> <p>22 is what you report.</p> <p>23 Q Well, actually I have a</p> <p>24 completed log in ACGME which I would like to</p> <p>25 submit at some point as part of my exhibit.</p>	<p style="text-align: right;">Page 57</p> <p>1 LEENA VARUGHESE</p> <p>2 short of the 50 requirement that your rotation</p> <p>3 through the Medical Examiner's office would not</p> <p>4 occur until January.</p> <p>5 Q Yes, because I'm scheduled late</p> <p>6 for the Medical Examiner rotation and, in fact,</p> <p>7 that I wanted to be --</p> <p>8 A And what is the question?</p> <p>9 Q So my request that I would</p> <p>10 actually be scheduled earlier in the schedule,</p> <p>11 because obviously my next year's schedule was a</p> <p>12 concern that I brought to you when you first</p> <p>13 came here, because I had noted that I am not</p> <p>14 being trained given the rotations that I need</p> <p>15 for adequate training in clinical pathology?</p> <p>16 A So what is your question again?</p> <p>17 Q My question was when did you</p> <p>18 consult with Dr. Cordone-Cardo, what date and</p> <p>19 when, what time?</p> <p>20 A It must have been on the -- I</p> <p>21 don't remember exactly the date, but it was</p> <p>22 shortly after we verified that you did not have</p> <p>23 the 50 autopsies required for sitting in.</p> <p>24 Q Thank you.</p> <p>25 And also when did I ask you for</p>

15 (Pages 54 to 57)

<p style="text-align: right;">Page 58</p> <p>1 LEENA VARUGHESE</p> <p>2 the GI elective to be switched to the dermapath</p> <p>3 elective?</p> <p>4 A On the very first time we met,</p> <p>5 on August 2nd.</p> <p>6 Q On August 2nd, right?</p> <p>7 So when did you ever return or</p> <p>8 respond to me about that elective?</p> <p>9 A Yes. That very same day I</p> <p>10 called Dr. Rojet to check, as I discussed with</p> <p>11 you, first the plan was I will verify if it</p> <p>12 will be a space in dermapathology first, if</p> <p>13 that was available, then we will have to see</p> <p>14 what was the procedure, because you will have</p> <p>15 then to be allowed to drop the GI elective to</p> <p>16 replace it and and that there was a procedure</p> <p>17 in place and a policy that you have to confirm</p> <p>18 with.</p> <p>19 Q Okay, do you recall telling me</p> <p>20 you needed to figure out what the politics is</p> <p>21 in this place was before you can proceed?</p> <p>22 A Well, yes, I said that every</p> <p>23 organization has its own system of policies,</p> <p>24 rules and regulations which represent the</p> <p>25 institutional politic environment.</p>	<p style="text-align: right;">Page 60</p> <p>1 LEENA VARUGHESE</p> <p>2 Varughese' performance in the first two</p> <p>3 years?</p> <p>4 I understand you weren't there, but</p> <p>5 for at least the summary you had gotten?</p> <p>6 DR. FIRPA: I went through New</p> <p>7 Innovation and I pulled out the summary</p> <p>8 of her performance results and</p> <p>9 repeatedly many of her rotations both in</p> <p>10 surgical, primarily in surgical</p> <p>11 pathology, she was in many components of</p> <p>12 the ACGME rated as marginal and</p> <p>13 gradually she progressed to acceptable,</p> <p>14 so for a while for the first two years,</p> <p>15 she was in many areas she was considered</p> <p>16 marginal.</p> <p>17 DR. LEITER: Was there any</p> <p>18 remedial work?</p> <p>19 DR. FIRPA: Well, there were</p> <p>20 recommendations about how to improve and</p> <p>21 she was monitored in subsequent</p> <p>22 assessment of similar experiences and</p> <p>23 she progressed a little bit, and those</p> <p>24 observations were recorded in her</p> <p>25 evaluations.</p>
<p style="text-align: right;">Page 59</p> <p>1 LEENA VARUGHESE</p> <p>2 And we had to beware of those</p> <p>3 requirements before making any final decision.</p> <p>4 Q So, how do you suppose a</p> <p>5 resident who is on disciplinary action and</p> <p>6 feels that they are unfairly on disciplinary</p> <p>7 action feels when a person who's supposed to</p> <p>8 oversee their disciplinary action process says</p> <p>9 that to them?</p> <p>10 What do you think is the -- what</p> <p>11 do you think the resident would feel?</p> <p>12 A I have no idea how they will</p> <p>13 feel. If you are intelligent you will</p> <p>14 understand the meaning.</p> <p>15 Q Okay, I should make an</p> <p>16 impression based on what you said, okay, good.</p> <p>17 DR. WEINFELD: Any other</p> <p>18 questions for Dr. Firpa?</p> <p>19 DR. VARUGHESE: No.</p> <p>20 DR. WEINFELD: Do you want to go</p> <p>21 ahead and call your witnesses.</p> <p>22 MR. McEVOY: I have a question,</p> <p>23 normally the way --</p> <p>24 DR. LEITER: I have a question,</p> <p>25 could you elaborate a little bit on Dr.</p>	<p style="text-align: right;">Page 61</p> <p>1 LEENA VARUGHESE</p> <p>2 That's why she was allowed</p> <p>3 eventually to proceed down the --</p> <p>4 DR. LEITER: Can I ask one more</p> <p>5 question, just the other question was</p> <p>6 was there a formal psychiatric</p> <p>7 evaluation on the day that you felt that</p> <p>8 perhaps there was some disorganized</p> <p>9 behavior?</p> <p>10 DR. FIRPA: We requested it,</p> <p>11 that's why we called student wellness</p> <p>12 and Dr. Harpaz, but she refused under</p> <p>13 any circumstances to see them or</p> <p>14 follow-up.</p> <p>15 She insisted that she had her own</p> <p>16 private physician that she'll talk to and</p> <p>17 everything referred to that.</p> <p>18 DR. BRONHEIM: Did you ever</p> <p>19 receive a request from Dr. Varughese'</p> <p>20 physicians for her to have a medical</p> <p>21 leave of absence?</p> <p>22 DR. FIRPA: No. She never</p> <p>23 followed through, that's what we kept</p> <p>24 waiting for and waiting for and she</p> <p>25 never, and I kept telling her, you have</p>

16 (Pages 58 to 61)

Page 62	Page 64
<p>1 LEENA VARUGHESE 2 to have a formal request and a doctor's 3 note, either clearance to return or see 4 student wellness, you cannot return to 5 work. 6 7 DR. WEINFELD: You wanted to say? 8 DR. ROCCO: The written 9 evaluations that you discussed from New 10 Innovations, are they included in your 11 Exhibit? 12 DR. FIRPA: No. 13 DR. ROCCO: Why not? 14 DR. FIRPA: They were preceded. 15 DR. ROCCO: Why not? 16 DR. FIRPA: No. 17 DR. ROCCO: Why not? 18 DR. FIRPA: Because they preceded 19 the issues that led to her dismissal 20 which were the events following her 21 final warning on July 15th, disciplinary 22 actionings had been taken before. 23 DR. WEINFELD: Did you want to 24 add something? 25 MR. McEVOY: Two things, I guess.</p>	<p>1 LEENA VARUGHESE 2 its opening statement, if you will, before 3 the witnesses are called, the resident, in 4 this case Dr. Varughese, is permitted the 5 opportunity to make an opening statement 6 before we actually call witnesses. 7 She can decline to do that, 8 obviously, but I think she gets that 9 opportunity. 10 MR. MacDONALD: Well, that's 11 fine, but I understood that this was 12 also testimony. 13 MR. McEVOY: It is. 14 MR. MacDONALD: Is this an 15 opening statement plus testimony? 16 MR. McEVOY: Yes. 17 MR. MacDONALD: So you are asking 18 Dr. Varughese, which is appropriate, and 19 you can respond as you wish, Dr. 20 Varughese, as to whether you would like 21 to make an opening statement before we 22 proceed to the witnesses of the 23 Department. 24 Or you can wait until your 25 presentation, if you wish.</p>
Page 63	Page 65
<p>1 LEENA VARUGHESE 2 One is just because the question was 3 raised about timing, the position of the 4 Department is that everything that 5 happened before July 15th of 2011 which 6 is when Dr. Cordone-Cardo gave her the 7 final warning is largely irrelevant to 8 this proceeding. 9 We are not here to talk about why 10 she got a final warning, why she got an 11 academic advisement, what her ratings were 12 during the first two years. 13 Her final warning is her final 14 warning. That's the record. 15 She did not appeal from it, so what 16 I think the committee is here to consider 17 is what happened after the final warning 18 until she was terminated that either did 19 or didn't sustain the decision to 20 terminate her, that's I think what is 21 appropriate for the committee to look at. 22 Secondly, which is just a 23 procedural point, is that normally in 24 these hearings in my experience after the 25 Department makes its opening presentation,</p>	<p>1 LEENA VARUGHESE 2 DR. VARUGHESE: I would just like 3 to respond to the counsel for the 4 department. 5 MR. MacDONALD: Okay. 6 DR. VARUGHESE: It's just that 7 you are saying me being on disciplinary 8 action is irrelevant, but in fact 9 without that particular aspect this 10 whole situation would be arbitrary and 11 capricious, and I think we have all read 12 through the summary suspension letter 13 and we can review it again, it's not 14 enough to get anybody fired or suspended 15 or terminated. 16 MR. McEVOY: That's a perfectly 17 legitimate position for Dr. Varughese to 18 take if she says what happened between 19 July 15th and September 21st is not 20 sufficient to warrant termination, 21 that's a legitimate position for her to 22 take. 23 MR. MacDONALD: We understand 24 that and we understand that is going to 25 be your presentation, if you have</p>

17 (Pages 62 to 65)

<p style="text-align: right;">Page 66</p> <p>1 LEENA VARUGHESE 2 anything to say now as a preliminary 3 statement you are free to do so, or we 4 can now proceed to the witnesses for the 5 department. 6 Shall we proceed in that way, Dr. 7 Varughese? 8 DR. VARUGHESE: Okay. 9 MR. McEVOY: I shall get the 10 first witness. 11 DR. WEINFELD: I don't know if 12 you narrowed the list since Friday, but 13 you would know the answer, there are no 14 witnesses on both sides? 15 DR. VARUGHESE: No. 16 DR. WEINFELD: Of the 20 17 witnesses, are any of the witnesses the 18 same as the Department is calling? 19 DR. VARUGHESE: Since the 20 Department is already calling certain 21 witnesses, I figured I will just 22 follow-up after. 23 DR. WEINFELD: So is it -- 24 DR. VARUGHESE: I was planning on 25 cross-examining them, not necessarily</p>	<p style="text-align: right;">Page 68</p> <p>1 LEENA VARUGHESE 2 DR. VARUGHESE: I do, actually. 3 DR. WEINFELD: I want to make 4 sure you have access to what they are 5 looking at. 6 7 DIRECT EXAMINATION BY DR. FIRPA: 8 9 Q Dr. Najfeld, good evening. 10 A Good evening. 11 Q Would you state your employment 12 here at Mount Sinai and your position? 13 A I am a professor of pathology 14 and medicine and I am director of tumor 15 cytogenetics laboratory at the Mount Sinai 16 Hospital and professor in the Mount Sinai 17 School of Medicine. 18 Q Thank you. 19 Would you describe for the 20 benefit of all of us in very general terms what 21 is tumor cytogenetics? 22 A The tumor cytogenetics is a 23 study of chromosomes in cancer cells and it's 24 these days used for diagnostic as well as for 25 therapeutic purposes, particularly in patients</p>
<p style="text-align: right;">Page 67</p> <p>1 LEENA VARUGHESE 2 call them as a witness. 3 DR. MARIN: Are there 20 4 witnesses out there waiting? 5 DR. VARUGHESE: I'm not sure if 6 they are all here. 7 MR. MacDONALD: Where is our 8 witness sitting. 9 MR. MacDONALD: Dr. Firpa, will 10 you be questioning the witness? 11 DR. FIRPA: Yes, sir. 12 MR. MacDONALD: Okay. 13 14 VESNA NAJFELD, called as a 15 witness, having been first duly affirmed 16 by the Notary Public, was examined and 17 testified as follows: 18 19 MR. McEVOY: Can the witness be 20 given a set of the Department's 21 exhibits, because I think there are 22 certain exhibits in there that Dr. Firpa 23 is going to ask her to look at. 24 DR. WEINFELD: Dr. Varughese, do 25 you have a copy of these?</p>	<p style="text-align: right;">Page 69</p> <p>1 LEENA VARUGHESE 2 with hematological malignancies, as well as 3 some solid tumors. 4 Q Have you ever had Dr. Varughese' 5 rotate through your laboratory? 6 A Yes. Twice. 7 Q When? 8 A She rotated in August of this 9 year, the second rotation and apparently -- for 10 two weeks, and apparently the first rotation 11 was about two years before that, which we have 12 very little documentation about that, we have 13 very good documentation about August 2011. 14 Q At the time of this rotation 15 when she began, were you aware of Dr. 16 Varughese' disciplinary history or of any 17 problems with her performance and conduct? 18 A None whatsoever. 19 Q Was there an incident regarding 20 Dr. Varughese' clinical case presentation on 21 August 9th, and if so, please correct the 22 incident? 23 A She was asked, most of the 24 residents who rotate through the lab basically 25 get a case per week to present.</p>

18 (Pages 66 to 69)

<p style="text-align: right;">Page 70</p> <p>1 LEENA VARUGHESE</p> <p>2 At the center for clinical</p> <p>3 laboratories, clinical case presentations.</p> <p>4 She was no exception to this</p> <p>5 rule, she got the case I think within the first</p> <p>6 day or two of the rotation.</p> <p>7 She was asked to show me the</p> <p>8 presentation by Friday, she took two days after</p> <p>9 work to present -- to prepare for the case,</p> <p>10 most of the residents basically do that in</p> <p>11 their spare time in the evening.</p> <p>12 On Friday before Tuesday</p> <p>13 presentation she did come to consult me about</p> <p>14 the presentation, I was not in the office for</p> <p>15 that 5 minutes.</p> <p>16 I was told that she came at 3:00</p> <p>17 in the afternoon and so I was hoping she was</p> <p>18 going to come back and she never did, so the</p> <p>19 presentation was sent to me on Monday at 4:00</p> <p>20 in the afternoon, she did not pick up the</p> <p>21 images on Friday from the lab, and I said this</p> <p>22 is the case I'm going to present tomorrow.</p> <p>23 I looked at the case and I tried</p> <p>24 to call her, indicating that the case was not</p> <p>25 of sufficiently good quality.</p>	<p style="text-align: right;">Page 72</p> <p>1 LEENA VARUGHESE</p> <p>2 place the following week, as long as you make</p> <p>3 sure that you tell everybody because people</p> <p>4 come from various parts early in the morning</p> <p>5 for the presentation.</p> <p>6 There was no e-mail informing</p> <p>7 the faculty of the center of clinical labs that</p> <p>8 the presentation will not take place.</p> <p>9 I e-mailed her on Tuesday at I</p> <p>10 think 6:20 or 6:30, please make sure that it's</p> <p>11 e-mailed to all the faculty so they don't have</p> <p>12 to waste time.</p> <p>13 I must have twice sent twice or</p> <p>14 three times this e-mail, nothing happened.</p> <p>15 And finally I got an e-mail at</p> <p>16 10:00 only directed to me and saying there is</p> <p>17 not going to be a presentation.</p> <p>18 To me, who actually knew all</p> <p>19 about it.</p> <p>20 At 9:00 when the presentation</p> <p>21 was taking place everybody was asking is there</p> <p>22 a presentation today?</p> <p>23 Leena was there and never</p> <p>24 actually said I'm sorry, I was supposed to give</p> <p>25 a talk, but I'm not ready today, we will do it</p>
<p style="text-align: right;">Page 71</p> <p>1 LEENA VARUGHESE</p> <p>2 I couldn't find Leena in the</p> <p>3 residents' office, I couldn't -- she did not</p> <p>4 respond to the page, I called Dr. Firpa, I said</p> <p>5 I'm looking for Leena because I need to get in</p> <p>6 touch with her.</p> <p>7 So, he gave me another number</p> <p>8 and I finally got to the residents' room and I</p> <p>9 said can I leave a message for Leena to call me</p> <p>10 back.</p> <p>11 Which she did in about half an</p> <p>12 hour, and I said Leena, this presentation is</p> <p>13 not of sufficient quality to be presented</p> <p>14 tomorrow.</p> <p>15 Can you come and we can work on</p> <p>16 it?</p> <p>17 She says -- this is Monday at</p> <p>18 about 4:15, 4:30, she says no, I'm out of Mount</p> <p>19 Sinai.</p> <p>20 I said that's fine, I'll be here</p> <p>21 until 6:00, come over and we can work on it.</p> <p>22 I cannot come back to Sinai.</p> <p>23 So I said if you cannot, this is</p> <p>24 not going to -- the presentation will not take</p> <p>25 place tomorrow, which is fine, it can take</p>	<p style="text-align: right;">Page 73</p> <p>1 LEENA VARUGHESE</p> <p>2 next week.</p> <p>3 She sat there, never answering</p> <p>4 to the director of the lab who sat there and</p> <p>5 said I'm sorry, it's not going to take place.</p> <p>6 Q May I call your attention to the</p> <p>7 Exhibit 5.</p> <p>8 A I don't know where I am supposed</p> <p>9 to look here, actually.</p> <p>10 MR. McEVOY: Behind tab number 5.</p> <p>11 Q There is tab number 5.</p> <p>12 A Okay, got it.</p> <p>13 Q Would you look through them and</p> <p>14 tell us how that content relates to what you</p> <p>15 just told us?</p> <p>16 A This is fine. It's now pages</p> <p>17 and pages, yes.</p> <p>18 Q Just tell us what it represents.</p> <p>19 A So there is at page, I guess --</p> <p>20 at some point my e-mail to her on Monday,</p> <p>21 August 8th, do you want me to read this?</p> <p>22 Q No, just give us in general</p> <p>23 terms what those demonstrate?</p> <p>24 A This e-mail says Leena, you were</p> <p>25 supposed to take the patient's images on Friday</p>

19 (Pages 70 to 73)

<p style="text-align: right;">Page 74</p> <p>1 LEENA VARUGHESE</p> <p>2 from my staff, you had a whole day today and</p> <p>3 never came to take the images.</p> <p>4 The reason we present the case</p> <p>5 is for educational purposes and the patient's</p> <p>6 images are presented as a part of this learning</p> <p>7 experience.</p> <p>8 This refers to the fact that she</p> <p>9 did not take the images from these patients but</p> <p>10 downloaded from somewhere, which is really not</p> <p>11 the reason why we actually have case</p> <p>12 conferences.</p> <p>13 The case conferences refer and</p> <p>14 the images are very specific for that patient.</p> <p>15 If I was not here at 3:00 p.m.</p> <p>16 when you stopped by, you should have written me</p> <p>17 a note and I would have called you the moment I</p> <p>18 came in.</p> <p>19 Meanwhile, I left since 4:18</p> <p>20 p.m. a number of e-mails and messages only to</p> <p>21 find out that you left at 5 p.m. and would not</p> <p>22 return to Sinai to work with me on this</p> <p>23 presentation.</p> <p>24 I was willing to work with you</p> <p>25 until 6:00 p.m., I think a lot more work needs</p>	<p style="text-align: right;">Page 76</p> <p>1 LEENA VARUGHESE</p> <p>2 presentation.</p> <p>3 DR. WEINFELD: And what was her</p> <p>4 response?</p> <p>5 THE WITNESS: I cannot remember</p> <p>6 exactly, so I am not going to impose,</p> <p>7 but I remember asking this question.</p> <p>8 She may remember, I can't remember,</p> <p>9 really.</p> <p>10 Q Was it related to her knowledge</p> <p>11 about the field, pathology in general, the fact</p> <p>12 that she had rotated through your lab before,</p> <p>13 did her behavior and knowledge that she</p> <p>14 exhibited in your rotation reflect any growth</p> <p>15 or knowledge at all in the field?</p> <p>16 A I think somewhere here during</p> <p>17 our little tutorial, we came upon the</p> <p>18 definition of what should be a stat case for</p> <p>19 this lab -- I'm sorry, what should be the stat</p> <p>20 case for our lab.</p> <p>21 And I said we don't have too</p> <p>22 many stat cases that needs instant attention,</p> <p>23 but one of the leukemia that it is APL, acute</p> <p>24 promyelocytic leukemia.</p> <p>25 So I asked Leena to tell me the</p>
<p style="text-align: right;">Page 75</p> <p>1 LEENA VARUGHESE</p> <p>2 to go into this presentation and let's try for</p> <p>3 the next week.</p> <p>4 Thanks, Vesna.</p> <p>5 Q Did you consider that the work</p> <p>6 reflected in the presentation submitted to you</p> <p>7 was compatible with her level of training?</p> <p>8 A No. Fourth year resident.</p> <p>9 Q How would you assess --</p> <p>10 DR. BRONHEIM: Could you explain</p> <p>11 your no?</p> <p>12 THE WITNESS: I think the fourth</p> <p>13 year resident in pathology should not --</p> <p>14 should know how to give a presentation.</p> <p>15 To take patients out images, I</p> <p>16 don't think this is a teaching for the</p> <p>17 fourth year, this is maybe for the first</p> <p>18 year resident.</p> <p>19 DR. BRONHEIM: I thought you were</p> <p>20 referring to content?</p> <p>21 THE WITNESS: I actually at some</p> <p>22 point asked Leena out of this context,</p> <p>23 did anybody spend any time with her</p> <p>24 teaching her how to present a case,</p> <p>25 because I was so appalled by this</p>	<p style="text-align: right;">Page 77</p> <p>1 LEENA VARUGHESE</p> <p>2 definition of APL.</p> <p>3 Her response was I have done</p> <p>4 hematopathology a few years ago.</p> <p>5 So I said, that's fine, why</p> <p>6 don't you look it up and let me know tomorrow.</p> <p>7</p> <p>8 I have never got an answer to</p> <p>9 this very day what's the definition of APL.</p> <p>10 Q Overall, how would you rate Dr.</p> <p>11 Varughese's attendance during her rotation at</p> <p>12 your lab?</p> <p>13 A Well, I mentioned earlier two</p> <p>14 days immediately was taken off from the</p> <p>15 rotation to prepare the case.</p> <p>16 I think this is in my view out</p> <p>17 of two weeks unacceptable, one day she called</p> <p>18 in sick, that's a third day, so it's two weeks,</p> <p>19 it's like ten working days.</p> <p>20 In the ten working days at least</p> <p>21 six steps have to be done so somebody should</p> <p>22 pass the rotation, so the last day of her</p> <p>23 rotation was also the day when I was asked by</p> <p>24 anatomic pathology people to spare her because</p> <p>25 there was an emergency there in the afternoon.</p>

20 (Pages 74 to 77)

<p style="text-align: right;">Page 78</p> <p>1 LEENA VARUGHESE</p> <p>2 So in the morning was her</p> <p>3 basically the last day there, so it was like</p> <p>4 three and a half days of the ten days rotation</p> <p>5 that she wasn't there.</p> <p>6 I don't think she ever came at</p> <p>7 9:00 in the morning to the lab, most of the</p> <p>8 time it was 10:30, she was told one morning on</p> <p>9 Wednesday to come at 1:00 because we have lab</p> <p>10 meetings and my entire lab knows at 1:00</p> <p>11 Wednesday is 1:00 sharp, she walked in at 1:30.</p> <p>12 It's called poor attendance and</p> <p>13 not on time.</p> <p>14 Q Now, you said on her last day of</p> <p>15 rotation there was an incident that she was</p> <p>16 taken off the rotation during the afternoon.</p> <p>17 Can you tell us more about what</p> <p>18 you observed related to that?</p> <p>19 A First of all, prior to her</p> <p>20 coming to the lab there was -- I had a number</p> <p>21 of e-mails from the chief resident and</p> <p>22 everybody else, has Leena arrived to the lab</p> <p>23 and I kept saying no, and it was nothing</p> <p>24 unusual, she has never come before 10:30 in the</p> <p>25 lab, to the lab.</p>	<p style="text-align: right;">Page 80</p> <p>1 LEENA VARUGHESE</p> <p>2 him in front of my entire lab staff was not</p> <p>3 very nice.</p> <p>4 And everybody in the lab was a</p> <p>5 little bit basically made comments that this is</p> <p>6 not how you talk to anybody, and that they had</p> <p>7 no idea who Pat Leto is.</p> <p>8 So they didn't know, you know,</p> <p>9 what is his relationship to Leena, but they</p> <p>10 realized that the type of conversation was</p> <p>11 going on was not very respectful, that much I</p> <p>12 can tell you.</p> <p>13 And while the supervisor was</p> <p>14 trying to squeeze any minute before noon, I</p> <p>15 moved and went to my office, and she said I</p> <p>16 don't know why I'm doing this, it's really a</p> <p>17 waste of my time.</p> <p>18 I am only five feet away, so I</p> <p>19 heard all of that.</p> <p>20 I decided not to intervene</p> <p>21 because there was nothing more I can say.</p> <p>22 In my view even if something --</p> <p>23 we all learned a few things in life that we</p> <p>24 thought maybe we didn't have to, but even if</p> <p>25 something is a waste of time, you don't spell</p>
<p style="text-align: right;">Page 79</p> <p>1 LEENA VARUGHESE</p> <p>2 At 10:30 I think she walked in</p> <p>3 and we told her, that although I understand</p> <p>4 that she has to help in anatomic pathology in</p> <p>5 the afternoon, she got to finish her few</p> <p>6 karyotypes.</p> <p>7 And I put her intensely to work</p> <p>8 alone as well as with a supervisor onto work on</p> <p>9 that.</p> <p>10 At some point Dr. Pat Lento</p> <p>11 called me and says is Leena in the lab?</p> <p>12 I said yes.</p> <p>13 Would you ask her to come on the</p> <p>14 phone? I said I'm sorry, I'm not her</p> <p>15 secretary.</p> <p>16 If you need her, page her.</p> <p>17 Which he proceeded to do and she</p> <p>18 didn't answer the page because I was standing</p> <p>19 next to her, I heard her page going and she did</p> <p>20 not answer.</p> <p>21 So then he called back and says</p> <p>22 could you please get her?</p> <p>23 So I said what can I do? Of</p> <p>24 course I will.</p> <p>25 Okay, so her conversation with</p>	<p style="text-align: right;">Page 81</p> <p>1 LEENA VARUGHESE</p> <p>2 it out in front of the entire lab staff, it's a</p> <p>3 bad morale for the lab.</p> <p>4 Q Let me call your attention to</p> <p>5 Exhibit 4.</p> <p>6 He addresses the following</p> <p>7 concern, what is your role evaluation of Dr.</p> <p>8 Varughese' performance in your rotation</p> <p>9 regarding professionalism.</p> <p>10 What does the exhibit represent,</p> <p>11 briefly?</p> <p>12 A Well, the exhibit is basically</p> <p>13 the summary of my thoughts about her.</p> <p>14 And I'm just going to give one</p> <p>15 example, sort of put our relationship</p> <p>16 immediately wrong, so to speak wrong.</p> <p>17 I actually spend time with the</p> <p>18 residents, I give them tutorials, I really</p> <p>19 dedicate myself to this education.</p> <p>20 And I was giving Leena a</p> <p>21 tutorial with a computer screen all with</p> <p>22 chromosomes, genes and everything else.</p> <p>23 And she is on a Blackberry and I</p> <p>24 said put this Blackberry back, because this is</p> <p>25 very disrespectful to me personally.</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 LEENA VARUGHESE</p> <p>2 She put it back, 5 minutes later</p> <p>3 she's on the Blackberry.</p> <p>4 And I said Leena, put this</p> <p>5 Blackberry, I don't want to see this.</p> <p>6 This by the way happened almost</p> <p>7 every day.</p> <p>8 This I don't call -- it's a</p> <p>9 personal insult to me and to everybody else who</p> <p>10 takes the time and invests time to teach, so</p> <p>11 this is called unprofessional.</p> <p>12 I think coming late to the lab</p> <p>13 is unprofessional.</p> <p>14 Calling in sick when you're</p> <p>15 supposedly presenting the case is</p> <p>16 unprofessional.</p> <p>17 Having total lack of enthusiasm</p> <p>18 and ambition, fourth year resident should be</p> <p>19 excited about the life ahead of it, and not to</p> <p>20 be totally excited at anything and then when</p> <p>21 you are asked go home and look what's APL, one</p> <p>22 sentence definition, just come back to your</p> <p>23 person who is teaching you and say I looked it</p> <p>24 up, I know what it is, isn't that exciting?</p> <p>25 There was nothing of that.</p>	<p style="text-align: right;">Page 84</p> <p>1 LEENA VARUGHESE</p> <p>2 first day?</p> <p>3 A Yes.</p> <p>4 Q The second day?</p> <p>5 A No, because you took some days</p> <p>6 off to prepare the case.</p> <p>7 Q No, I didn't.</p> <p>8 A Yes, you did. You have asked</p> <p>9 me, you have asked me to take the time off to</p> <p>10 prepare the case.</p> <p>11 Q I have asked you if I could go</p> <p>12 to the library and just work.</p> <p>13 A That's right, so you were not</p> <p>14 there.</p> <p>15 Q Or I was at the residents' room?</p> <p>16 A I don't know where you were.</p> <p>17 You were not where you are supposed to be, the</p> <p>18 computer is there for the residents.</p> <p>19 Q Okay.</p> <p>20 So, do you realize your staff</p> <p>21 e-mails me every day and tells me what to do</p> <p>22 for the rest of the day?</p> <p>23 A Um-hum.</p> <p>24 Q So, you do realize the staff</p> <p>25 tells me when to come into the lab?</p>
<p style="text-align: right;">Page 83</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. FIRPA: Okay, I have no</p> <p>3 further questions.</p> <p>4 DR. WEINFELD: Dr. Varughese,</p> <p>5 would you like to ask questions?</p> <p>6</p> <p>7 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>8</p> <p>9 Q So, how do you manage, how do</p> <p>10 you keep track of the residents' time when the</p> <p>11 residents' are in your lab, what do you do?</p> <p>12 A As I just mentioned, you realize</p> <p>13 where I am sitting, so I can actually see</p> <p>14 what's going on straight from the imaging lab</p> <p>15 to the tissue culture lab, except for the fish</p> <p>16 lab, so I actually can observe very much and</p> <p>17 you were not necessarily on fish rotation this</p> <p>18 time; correct?</p> <p>19 Q I was, actually.</p> <p>20 A For a few hours.</p> <p>21 Q For several days here and there.</p> <p>22 A But primarily karyotypes, that's</p> <p>23 imaging lab sitting right in front of me, so I</p> <p>24 can actually see what's going on.</p> <p>25 Q So, did you observe me there the</p>	<p style="text-align: right;">Page 85</p> <p>1 LEENA VARUGHESE</p> <p>2 A Um-hum.</p> <p>3 Q And what activities I'm supposed</p> <p>4 to do each day?</p> <p>5 A Um-hum.</p> <p>6 Q Do you realize there were</p> <p>7 certain days where your staff asked me not to</p> <p>8 come into the lab?</p> <p>9 A No.</p> <p>10 Q Okay, there were, that's why I</p> <p>11 was not there.</p> <p>12 A Okay. Can we have documentation</p> <p>13 for that?</p> <p>14 Q Yeah I have documentation of</p> <p>15 that.</p> <p>16 DR. MARIN: Is it in this</p> <p>17 exhibit?</p> <p>18 DR. VARUGHESE: Let me just see.</p> <p>19 It's not, but I will add it to the</p> <p>20 exhibit.</p> <p>21 MR. McEVOY: No, I object to</p> <p>22 this. Let me state this objection.</p> <p>23 DR. VARUGHESE: You are allowed</p> <p>24 to ask --</p> <p>25 MR. McEVOY: I can object, Dr.</p>

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 LEENA VARUGHESE</p> <p>2 Varughese. I have done a lot of these</p> <p>3 in my time.</p> <p>4 Here is my objection, the Committee</p> <p>5 directed Dr. Varughese to provide a list</p> <p>6 of her exhibits by the close of business</p> <p>7 on Thursday or Friday. Dr. Varughese chose</p> <p>8 to ignore that without any explanation,</p> <p>9 without any requests for an extension.</p> <p>10 She e-mailed the Committee 47</p> <p>11 exhibits three hours before this hearing</p> <p>12 was scheduled to start. Dr. Varughese has</p> <p>13 had an enormous amount of time to prepare</p> <p>14 her exhibits, she chose to ignore the</p> <p>15 Committee's request.</p> <p>16 Just when she felt like it, she</p> <p>17 sent 47 exhibits.</p> <p>18 And now, twice she has raised oh, I</p> <p>19 have documentation that proves that what</p> <p>20 she's known about from the termination</p> <p>21 letter is the issues in this case and what</p> <p>22 she says is oh, I'll give those to you</p> <p>23 later, we will submit those later.</p> <p>24 I don't think that's</p> <p>25 appropriate. Dr. Varughese had plenty of</p>	<p style="text-align: right;">Page 88</p> <p>1 LEENA VARUGHESE</p> <p>2 request that it be submitted at some</p> <p>3 point, I don't think that's me asking</p> <p>4 for too much.</p> <p>5 Even though you correctly stated</p> <p>6 that you didn't have time to review.</p> <p>7 MR. McEVOY: I have said what I</p> <p>8 have to say.</p> <p>9 DR. WEINFELD: Okay</p> <p>10 DR. VARUGHESE: On another note,</p> <p>11 I was also not informed this hearing --</p> <p>12 DR. WEINFELD: Wait one second,</p> <p>13 we have a witness on the stand. Let's</p> <p>14 deal with the witness.</p> <p>15 DR. VARUGHESE: Sure.</p> <p>16 Q All right, so your staff is, in</p> <p>17 fact, responsible for when I'm working with</p> <p>18 them, and you know that?</p> <p>19 A What's the question?</p> <p>20 Q So that you know that your staff</p> <p>21 is going to be --</p> <p>22 A I am well aware what my staff is</p> <p>23 doing. My staff is doing based on my</p> <p>24 instructions.</p> <p>25 Q Good.</p>
<p style="text-align: right;">Page 87</p> <p>1 LEENA VARUGHESE</p> <p>2 time to submit these exhibits, there is</p> <p>3 nothing surprising about these exhibits,</p> <p>4 and the Department objects to Dr.</p> <p>5 Varughese sort of setting her own schedule</p> <p>6 and her own time to submit exhibits.</p> <p>7 And, quite frankly, it's</p> <p>8 prejudicial to the Department to expect</p> <p>9 them and us to review 47 exhibits in three</p> <p>10 hours and be prepared to respond to them,</p> <p>11 and now exhibits are just kind of coming</p> <p>12 from well, I have them and I'll give them</p> <p>13 to you some time, some way, in some</p> <p>14 context; it's not appropriate.</p> <p>15 DR. VARUGHESE: Fine, that's</p> <p>16 wonderful, but here is can I make a</p> <p>17 point --</p> <p>18 MR. McEVOY: It's not wonderful,</p> <p>19 it's correct.</p> <p>20 DR. WEINFELD: That's enough.</p> <p>21 DR. VARUGHESE: Okay, that's not</p> <p>22 what I meant to say, the point is this</p> <p>23 hearing is basically for my job, so if I</p> <p>24 want to say there is evidence even</p> <p>25 though I didn't put it in there, and</p>	<p style="text-align: right;">Page 89</p> <p>1 LEENA VARUGHESE</p> <p>2 A I am totally aware of that.</p> <p>3 Q So, there have been times where</p> <p>4 they have asked me not to come in?</p> <p>5 A Correct, but they would ask you</p> <p>6 to come in maybe a little bit later, or not.</p> <p>7 When they told you the lab</p> <p>8 meeting is at 1:00, the lab meeting is at 1:00,</p> <p>9 you would come at 1:30, that's disrespect to</p> <p>10 me.</p> <p>11 Forget about the lab meeting and</p> <p>12 anybody else.</p> <p>13 Q What date was that?</p> <p>14 A Wednesday. Whatever date day it</p> <p>15 was, June, I don't know.</p> <p>16 Q Okay, all right.</p> <p>17 So you made a comment saying</p> <p>18 that my presentation was not compatible with my</p> <p>19 year of training?</p> <p>20 A Um-hum.</p> <p>21 Q And you said this because I used</p> <p>22 cytogenetic images from the internet?</p> <p>23 A Correct.</p> <p>24 Q Is that correct?</p> <p>25 A And you were told to come on</p>

23 (Pages 86 to 89)

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1 LEENA VARUGHESE
2 Friday to pick up the images from the lab.
3 Q I don't think so.
4 A Yes.
5 DR. WEINFELD: Is there a
6 question?
7 Q I don't think that's true.
8 A It's all in the e-mail that I
9 sent to you, and there is -- that document.
10 Q So, the e-mail you sent to me?
11 A That's very well documented. So
12 what's the question, actually?
13 Q So basically I came to your
14 office and I couldn't find you, I was informed
15 by your staff that you would not be there
16 for -- until 4:00 p.m. or later, I waited for
17 you until 4:00 or so, I didn't see you so I
18 assumed that I'll e-mail you documentation.
19 A You e-mailed the documentation
20 on Monday, this is Friday.
21 Q So I e-mailed you everything on
22 Friday?
23 A No.
24 Q Including my presentation?
25 A No, on Monday.

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1 LEENA VARUGHESE
2 Q I e-mailed you my presentation
3 on Friday, right?
4 A No, on Monday.
5 Q Well, I would like to refer to
6 Exhibit 24.
7 MR. McEVOY: I don't think that
8 Dr. Najfeld has that.
9 THE WITNESS: I don't have this.
10 DR. WEINFELD: We can get you a
11 copy.
12 MR. MacDONALD: 24.
13 DR. VARUGHESE: Yes.
14 DR. WEINFELD: What does that
15 have to do with the point we are
16 discussing?
17 DR. VARUGHESE: So this is
18 basically --
19 Q Anyway, I just want to point
20 out --
21 THE WITNESS: I'm sorry?
22 DR. WEINFELD: You brought up the
23 point, you e-mailed on Friday, does this
24 exhibit address that issue or not?
25 DR. VARUGHESE: It sort of

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1 LEENA VARUGHESE
2 addresses the problems here.
3 DR. WEINFELD: No, no, that
4 wasn't my question, my question --
5 DR. MARIN: Am I looking at the
6 right thing? I have a e-mail from Dr.
7 Adolfo --
8 DR. VARUGHESE: Yes, that's it.
9 DR. WEINFELD: So the question
10 was you are disputing whether you sent
11 an e-mail Friday versus Monday, how does
12 this e-mail address that question?
13 DR. VARUGHESE: I actually don't
14 have the Friday e-mail I sent to her.
15 A I do.
16 DR. VARUGHESE: Actually it's in
17 Exhibit --
18 DR. WEINFELD: A different
19 exhibit?
20 DR. VARUGHESE: It's the exhibit
21 that's part of the Department's list.
22 MR. MacDONALD: Exhibit 5?
23 DR. VARUGHESE: Exhibit 5.
24 DR. WEINFELD: There is an e-mail
25 dated Monday, August 8th.

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1 LEENA VARUGHESE
2 MR. McEVOY: I think Dr. Najfeld
3 is confused.
4 MR. McEVOY: I am confused.
5 THE WITNESS: This is the e-mail
6 I just read, actually.
7 MR. McEVOY: This is the exhibit.
8 THE WITNESS: Yes.
9 THE WITNESS: It's Monday, August
10 8 at 4:18 p.m.
11 DR. WEINFELD: These are all
12 Monday August 8th.
13 DR. VARUGHESE: So I sent the --
14 I apologize.
15 DR. WEINFELD: Let's move on to
16 the next point.
17 DR. VARUGHESE: It was sent on
18 Monday, not on Friday.
19 DR. WEINFELD: That's what she
20 said.
21 THE WITNESS: That's what I
22 basically said.
23 Q You are correct, you are
24 correct, so the presentation was for the next
25 morning on Tuesday morning at 9:00 a.m.?

24 (Pages 90 to 93)

<p style="text-align: right;">Page 94</p> <p>1 LEENA VARUGHESE</p> <p>2 A That's exactly right. You were</p> <p>3 supposed to come on Friday.</p> <p>4 Q No, you gave me the presentation</p> <p>5 to do when, what day did you give me the</p> <p>6 presentation?</p> <p>7 A Monday or Tuesday of that week.</p> <p>8 Q No.</p> <p>9 A Where is the documentation?</p> <p>10 Q Well, here is the thing, when</p> <p>11 did you discuss the goals and objective of the</p> <p>12 rotation with me?</p> <p>13 A At the beginning of the week.</p> <p>14 Q No. So let's refer to Exhibit</p> <p>15 24?</p> <p>16 DR. WEINFELD: So what's the</p> <p>17 question?</p> <p>18 DR. VARUGHESE: So this is Dr.</p> <p>19 Firpa e-mailing Dr. Najfeld the details</p> <p>20 of the cytogenetics rotations and what</p> <p>21 she has to do with any resident that</p> <p>22 happens to be on her -- on that</p> <p>23 particular elective or that rotation.</p> <p>24 DR. WEINFELD: So what's the</p> <p>25 question?</p>	<p style="text-align: right;">Page 96</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. VARUGHESE: On Monday</p> <p>3 afternoon, on Monday evening and I</p> <p>4 wasn't sure if she was even returning</p> <p>5 that evening because she wasn't in her</p> <p>6 office when I got there.</p> <p>7 THE WITNESS: I'm sorry, I think</p> <p>8 there is a lot of discrepancy in what</p> <p>9 you are saying.</p> <p>10 And I could probably document this</p> <p>11 further.</p> <p>12 It doesn't matter at this point, we</p> <p>13 give the cases, you took the beginning of</p> <p>14 the week off, you were not in the lab in</p> <p>15 order to prepare the case we are talking</p> <p>16 about it.</p> <p>17 So, it cannot be the truth that I</p> <p>18 gave you the case on Thursday.</p> <p>19 I would not have given you a case</p> <p>20 on Thursday and tell you come on Friday</p> <p>21 because I have not done this ever to</p> <p>22 anybody, and I would have not made you an</p> <p>23 exception to the rule.</p> <p>24 That's number one.</p> <p>25 There is no way, I don't want to</p>
<p style="text-align: right;">Page 95</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Then Dr. Najfeld actually I</p> <p>3 think she thinks that she discussed everything</p> <p>4 with me in the beginning of the week, but in</p> <p>5 fact she didn't, she actually only discussed</p> <p>6 everything with me on maybe Friday, I think</p> <p>7 Friday morning, late Thursday.</p> <p>8 DR. MARIN: What does this have</p> <p>9 to do with that? I'm not understanding?</p> <p>10 DR. VARUGHESE: That Dr. Najfeld</p> <p>11 was given the tumor cytogenetics</p> <p>12 requirement rotation -- rotation</p> <p>13 requirements on Thursday, she discussed</p> <p>14 everything pertaining to the rotation</p> <p>15 requirements with me on Thursday</p> <p>16 afternoon and gave me the assignment to</p> <p>17 present this case for Tuesday on</p> <p>18 Thursday afternoon.</p> <p>19 DR. WEINFELD: Right, okay.</p> <p>20 DR. VARUGHESE: Which doesn't</p> <p>21 really give me as much time as I need</p> <p>22 to --</p> <p>23 DR. WEINFELD: So, how do you</p> <p>24 explain, though, she was willing to stay</p> <p>25 to help you and you didn't even respond?</p>	<p style="text-align: right;">Page 97</p> <p>1 LEENA VARUGHESE</p> <p>2 use the L word here, but this is</p> <p>3 absolutely not reflecting the truth and</p> <p>4 the way my lab functions.</p> <p>5 And I can have the entire lab here</p> <p>6 for that.</p> <p>7 So, that's number one.</p> <p>8 Number two, I am teaching you, if I</p> <p>9 am willing as your senior to stay late in</p> <p>10 order to make your presentation look good,</p> <p>11 I can tell you that when I was a fellow I</p> <p>12 would have never said this to my</p> <p>13 professor.</p> <p>14 Period.</p> <p>15 Lack of respect and</p> <p>16 professionalism.</p> <p>17 DR. WEINFELD: So any other</p> <p>18 questions?</p> <p>19 DR. VARUGHESE: I just want to</p> <p>20 note Dr. Najfeld did e-mail Dr. Firpa</p> <p>21 back and she said she was very busy that</p> <p>22 week and, you know, it has been very</p> <p>23 difficult for us.</p> <p>24 DR. WEINFELD: Okay, noted.</p> <p>25 DR. VARUGHESE: And also on</p>

25 (Pages 94 to 97)

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1 LEENA VARUGHESE
2 Monday evening when I e-mailed the
3 presentation to her, but I did get her
4 messages, the e-mails and the phone
5 call, I'm not sure if she called me, but
6 it was already 5:30 or so and I was
7 already home because I had taken the
8 train home at that point, which may
9 explain why I didn't receive the page
10 from 5:00 to 5:30 or so, and it would be
11 impossible for me to have returned to
12 Mount Sinai at that point to review with
13 her in person, and I think I explained
14 that to her at that point and she
15 understood.
16 THE WITNESS: No.
17 MR. McEVOY: There is no
18 question.
19 DR. WEINFELD: So, next question.
20 Q Did you give me an exit
21 interview on Friday?
22 A No.
23 Q You didn't give me an exit
24 interview?
25 A You were taken -- swept away, so

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1 LEENA VARUGHESE
2 to speak because, you had to go back to the
3 anatomic pathology, we only managed to do five
4 karyotypes and I did not give it to you.
5 You are 100 percent right.
6 DR. BRONHEIM: If you did give
7 her an exit interview, what would you
8 have told her?
9 THE WITNESS: Had I had the
10 chance and if it wasn't -- I would have
11 really told her just about everything I
12 wrote here, I wouldn't change anything.
13 I must tell you I am at Sinai 30
14 years, this is probably from the
15 educational point of view one of the worst
16 experiences I ever had had.
17 I would have told her that she
18 failed.
19 Anybody who behaved that way, with
20 so little respect for knowledge and so
21 little respect for the time we all invest,
22 I would not pass her.
23 I also feel if you ask somebody to
24 go ahead and look overnight what the
25 definition of APL is, this is our stat

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1 LEENA VARUGHESE
2 case, and for that person not to ever to
3 come back and tell you I know what it is,
4 I better learn this, it's a failure.
5 DR. VARUGHESE: Okay, so my
6 impression was that you did give me an
7 exit interview on Friday because you
8 asked me several questions pertaining to
9 fish and different translocations
10 associated with different diseases and I
11 think I answered you pretty competently.
12 So my impression was that that was
13 the exit interview, and karyotyping these
14 10 karyotypes was also a part -- 5 to
15 determine that I can adequately karyotype,
16 not with expertise with someone who has
17 done cytogenetics for 30 or 40 years, no
18 one can do that, I mean I don't think
19 anybody can do that.
20 THE WITNESS: That was not
21 expected.
22 Q But I did manage to karyotype
23 adequately, no?
24 DR. MARIN: That was a question.
25 She asked you if she did an adequate job

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1 LEENA VARUGHESE
2 with the karyotype?
3 A No, because she had a supervisor
4 sitting behind her and that's when she said I
5 don't know what I'm doing here, it's a waste of
6 my time.
7 DR. MARIN: No is sufficient.
8 DR. WEINFELD: Any other
9 questions for Dr. Najfeld?
10 DR. VARUGHESE: No.
11 MR. MacDONALD: Any further
12 questions.
13 DR. WEINFELD: Any further
14 questions from the Department?
15 DR. FIRPA: Yes, permission to
16 redirect.
17
18 REDIRECT EXAMINATION BY DR. FIRPA:
19
20 Q May I bring your attention to
21 her Exhibit 24.
22 A That's this.
23 Q Second page.
24 A Your response to me on Thursday
25 August 4th, would you please read the second

26 (Pages 98 to 101)

Page 102	Page 104
<p>1 LEENA VARUGHESE</p> <p>2 sentence in that e-mail?</p> <p>3 A Oh, thank you, the second</p> <p>4 sentence says, "We have given her to read and</p> <p>5 told her about the case presentation for the</p> <p>6 next week."</p> <p>7 So I told you this on August</p> <p>8 4th.</p> <p>9 DR. VARUGHESE: So you told me at</p> <p>10 least on August 4th?</p> <p>11 THE WITNESS: Okay, not on</p> <p>12 Thursday, a week later.</p> <p>13 DR. VARUGHESE: But I don't think</p> <p>14 you told me.</p> <p>15 THE WITNESS: You've got to be</p> <p>16 truthful; it pays in life, trust me.</p> <p>17 DR. VARUGHESE: But you didn't</p> <p>18 tell me on Tuesday.</p> <p>19 THE WITNESS: I am reading from</p> <p>20 Exhibit --</p> <p>21 DR. VARUGHESE: 24, you are</p> <p>22 saying that you cannot --</p> <p>23 THE WITNESS: We have given her</p> <p>24 to -- this is August 4th, Thursday.</p> <p>25 DR. WEINFELD: Thursday.</p>	<p>1 LEENA VARUGHESE</p> <p>2 do you deny saying that this rotation</p> <p>3 was a waste of time?</p> <p>4 DR. VARUGHESE: Yes.</p> <p>5 DR. WEINFELD: Okay.</p> <p>6 DR. VARUGHESE: I didn't think</p> <p>7 the rotation was a waste of time at all.</p> <p>8 In fact, I offered to work further</p> <p>9 with her in the future on another two</p> <p>10 weeks if she felt that my competency level</p> <p>11 on cytogenetics was not adequate and I</p> <p>12 said this to Dr. Firpa after the</p> <p>13 conference the following Tuesday morning.</p> <p>14 I also offered to write a paper</p> <p>15 because I had a very interesting case that</p> <p>16 was in my first year on pediatric</p> <p>17 pathology that I had this case where they</p> <p>18 covered a novel translocation.</p> <p>19 So I actually was interested in</p> <p>20 that particular case and I was considering</p> <p>21 writing it up, but I just didn't feel</p> <p>22 comfortable after this approaching her</p> <p>23 about it.</p> <p>24 DR. WEINFELD: Any other</p> <p>25 questions for Dr. Najfeld, or can we</p>
Page 103	Page 105
<p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: This does not</p> <p>3 identify the time that it was given.</p> <p>4 THE WITNESS: Okay, I'm so sorry.</p> <p>5 DR. MARIN: It validates at least</p> <p>6 by Thursday it was done.</p> <p>7 DR. VARUGHESE: Or at least she</p> <p>8 planned on telling me.</p> <p>9 DR. BRONHEIM: No, it says, "We</p> <p>10 have given her."</p> <p>11 DR. VARUGHESE: "We have given</p> <p>12 her to read and told her about the</p> <p>13 presentation for the next week."</p> <p>14 DR. MARIN: But you are cc'd on</p> <p>15 this e-mail, so you would have received</p> <p>16 this then.</p> <p>17 DR. VARUGHESE: Yes.</p> <p>18 DR. MARIN: So.</p> <p>19 DR. VARUGHESE: My point is she</p> <p>20 was saying she was very busy with</p> <p>21 equipment upgrades and this is after Dr.</p> <p>22 Firpa sent her this e-mail asking her to</p> <p>23 discuss cytogenetic requirements with</p> <p>24 me.</p> <p>25 DR. WEINFELD: I have a question,</p>	<p>1 LEENA VARUGHESE</p> <p>2 excuse the witness?</p> <p>3 Thank you.</p> <p>4 DR. BRONHEIM: Thank you very</p> <p>5 much for your time.</p> <p>6 MR. MacDONALD: Steve, maybe we</p> <p>7 need to take a witness out of sequence,</p> <p>8 Dr. Varughese, Scott Barnett whom you</p> <p>9 have called as a witness has to leave by</p> <p>10 8:00 or 8:15, maybe we should take him</p> <p>11 out of sequence so that --</p> <p>12 DR. WEINFELD: He's being called</p> <p>13 by the Pathology Department?</p> <p>14 MR. MacDONALD: By Dr. Varughese,</p> <p>15 but --</p> <p>16 DR. WEINFELD: At this rate we</p> <p>17 probably should, if that's okay.</p> <p>18 MR. MacDONALD: So is that okay</p> <p>19 if we do that?</p> <p>20 DR. FIRPA: No objections.</p> <p>21 MR. MacDONALD: Okay.</p> <p>22 I think we should try to</p> <p>23 accommodate, obviously, as many of the</p> <p>24 witnesses as possible given the schedule</p> <p>25 and the time, et cetera.</p>

27 (Pages 102 to 105)

<p style="text-align: right;">Page 106</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. VARUGHESE: So I am a little</p> <p>3 bit concerned now, it's 7:36, it's past</p> <p>4 7:30 p.m., so --</p> <p>5 DR. WEINFELD: What's your</p> <p>6 question.</p> <p>7 DR. VARUGHESE: How long do you</p> <p>8 think this process will take, or do we</p> <p>9 convene on another day if --</p> <p>10 MR. MacDONALD: Well, we should</p> <p>11 go as far as we can go, and the</p> <p>12 Department has several more witnesses.</p> <p>13 DR. MARIN: You have 20 witnesses</p> <p>14 that you called in to hear that we</p> <p>15 should really --</p> <p>16 MR. MacDONALD: You have 20, the</p> <p>17 Department has -- we want to take Scott</p> <p>18 Barnett out of sequence because he has</p> <p>19 to leave at 8:15.</p> <p>20 He is Dr. Varughese' witness and I</p> <p>21 understand that you have no objection, so</p> <p>22 we should bring him in here and let him</p> <p>23 testify.</p> <p>24 MR. McEVOY: Just so the</p> <p>25 Committee is aware, there is another</p>	<p style="text-align: right;">Page 108</p> <p>1 LEENA VARUGHESE</p> <p>2 follows:</p> <p>3</p> <p>4 DR. WEINFELD: This is Dr.</p> <p>5 Varughese' witness, but obviously the</p> <p>6 Department will have a chance to ask</p> <p>7 questions as well.</p> <p>8 Why don't we proceed.</p> <p>9</p> <p>10 DIRECT EXAMINATION BY DR. VARUGHESE:</p> <p>11</p> <p>12 Q Thank you for appearing.</p> <p>13 So my question, have I brought</p> <p>14 concerns to you over the past year or so?</p> <p>15 A Yes. I believe we met at least</p> <p>16 twice.</p> <p>17 DR. MARIN: When were the dates</p> <p>18 of those, is it over a year that's been</p> <p>19 going on?</p> <p>20 THE WITNESS: I would have to</p> <p>21 consult my calendar. I could look it</p> <p>22 up, but I don't have the dates in front</p> <p>23 of me.</p> <p>24 DR. LEITER: Prior to August?</p> <p>25 THE WITNESS: Certainly if you</p>
<p style="text-align: right;">Page 107</p> <p>1 LEENA VARUGHESE</p> <p>2 witness here who is Dr. Varughese'</p> <p>3 witness who I don't know what her</p> <p>4 schedule is, but there are a whole bunch</p> <p>5 of folks here who have other things to</p> <p>6 do.</p> <p>7 So I don't have an objection to</p> <p>8 Dr. Barnett, but I do have an objection to</p> <p>9 presenting this case out of sequence other</p> <p>10 than for Dr. Barnett, and I'll be candid,</p> <p>11 Karen Tiger is here as her witness.</p> <p>12 If Ms. Tiger goes on at 1:00 this</p> <p>13 morning, if she goes on at 1:00 this</p> <p>14 morning there is no reason why the</p> <p>15 witnesses for the Department should be any</p> <p>16 more inconvenienced than the witnesses for</p> <p>17 Dr. Varughese.</p> <p>18 So I have no objection to</p> <p>19 Dr. Barnett, but that's the only witness</p> <p>20 that I don't have an objection to being</p> <p>21 out of sequence.</p> <p>22</p> <p>23 SCOTT BARNETT, called as a</p> <p>24 witness, having been first duly sworn by</p> <p>25 witness was examined and testified as</p>	<p style="text-align: right;">Page 109</p> <p>1 LEENA VARUGHESE</p> <p>2 wish to I could look it up.</p> <p>3 DR. MARIN: Yes.</p> <p>4 DR. BRONHEIM: Is there any time</p> <p>5 after August?</p> <p>6 THE WITNESS: Same response, I</p> <p>7 have to look it up.</p> <p>8 DR. WEINFELD: Dr. Varughese, do</p> <p>9 you have any dates that would make it</p> <p>10 easier?</p> <p>11 DR. VARUGHESE: Yes, September 11</p> <p>12 we met at noon.</p> <p>13 DR. WEINFELD: September 11 of</p> <p>14 this year.</p> <p>15 DR. WEINFELD: Scott, does that</p> <p>16 click with your calendar?</p> <p>17 THE WITNESS: I have Monday, May</p> <p>18 16th is the first time and I have</p> <p>19 September 12th or September 11th was a</p> <p>20 Sunday.</p> <p>21 DR. WEINFELD: Okay.</p> <p>22 THE WITNESS: Those are the two</p> <p>23 dates.</p> <p>24 DR. WEINFELD: Go ahead.</p> <p>25 DR. BRONHEIM: Could you just</p>

28 (Pages 106 to 109)

<p style="text-align: right;">Page 110</p> <p>1 LEENA VARUGHESE</p> <p>2 state for the record in what capacity?</p> <p>3 THE WITNESS: I am the Associate</p> <p>4 Dean for Graduate Medical Education and</p> <p>5 our office oversees the residency and</p> <p>6 fellowships here and at our affiliated</p> <p>7 institutions.</p> <p>8 Q So, did I bring a concern to you</p> <p>9 about my concern about being treated fairly</p> <p>10 while I was on disciplinary action to you?</p> <p>11 A You did.</p> <p>12 Q Cau I ask what you thought about</p> <p>13 that?</p> <p>14 Is that a question that I can</p> <p>15 ask what you thought about?</p> <p>16 A Well, if you ask me what I</p> <p>17 thought about your coming to me, I'm certainly</p> <p>18 happy to meet with all house officers and make</p> <p>19 it very clear, orientation and Chief Residents</p> <p>20 are told in every forum that I am among the</p> <p>21 resources that are offered to house staff who</p> <p>22 have concerns about their training, including,</p> <p>23 among others, the institutional ombudsman, Dr.</p> <p>24 Stimmel and Human Resources, but I'm certainly</p> <p>25 always happy to meet with house staff.</p>	<p style="text-align: right;">Page 112</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. FIRPA: No questions.</p> <p>3 DR. WEINFELD: Scott, thank you</p> <p>4 very much.</p> <p>5 THE WITNESS: You are quite</p> <p>6 welcome.</p> <p>7 DR. WEINFELD: Let's get back to</p> <p>8 our regular scheduled witness schedule.</p> <p>9 MR. MacDONALD: Can we go off the</p> <p>10 record.</p> <p>11 (Discussion off the record.)</p> <p>12</p> <p>13 ADRIENNE C. JORDAN, called</p> <p>14 as a witness, having been first duly sworn</p> <p>15 by the Notary Public, was examined and</p> <p>16 testified as follows:</p> <p>17</p> <p>18 DIRECT EXAMINATION BY DR. FIRPA:</p> <p>19</p> <p>20 Q Would you please state your job</p> <p>21 title?</p> <p>22 A I am a postgraduate year 3</p> <p>23 anatomic and clinical pathology resident, as</p> <p>24 well as Chief Resident of the Department of</p> <p>25 Pathology, one of the Chief Residents.</p>
<p style="text-align: right;">Page 111</p> <p>1 LEENA VARUGHESE</p> <p>2 Q So I told you I was concerned</p> <p>3 about Dr. Firpa not being able to oversee the</p> <p>4 disciplinary action?</p> <p>5 A I don't recall that, but, I do</p> <p>6 remember you talking to me and having concerns</p> <p>7 and I explained to you that my role in the</p> <p>8 institution, as I understand it, is to make</p> <p>9 sure that institutional and departmental</p> <p>10 policies and procedures were being adhered to</p> <p>11 and that I was not a judge or a jury, but my</p> <p>12 job was to ensure that people were being</p> <p>13 treated fairly and that I either at that first</p> <p>14 meeting or second meeting, I do remember</p> <p>15 stating that in my view that I did feel that</p> <p>16 departmental policies and procedures were being</p> <p>17 followed.</p> <p>18 Q What's your opinion of the</p> <p>19 Department of Pathology?</p> <p>20 DR. WEINFELD: That's not</p> <p>21 relevant, I'm going to direct him not to</p> <p>22 answer that question.</p> <p>23 What other questions do you have?</p> <p>24 DR. VARUGHESE: That's all.</p> <p>25 DR. MARIN: Thank you.</p>	<p style="text-align: right;">Page 113</p> <p>1 LEENA VARUGHESE</p> <p>2 Q And your formal employment is?</p> <p>3 A Sorry?</p> <p>4 Q And you are employed by?</p> <p>5 A Mount Sinai Hospital.</p> <p>6 Q What year of residency are you</p> <p>7 in?</p> <p>8 DR. WEINFELD: She already said</p> <p>9 that.</p> <p>10 Q Do you know Dr. Varughese?</p> <p>11 A I do.</p> <p>12 Q Would you describe your job</p> <p>13 duties as part of the responsibility of Chief</p> <p>14 Resident.</p> <p>15 A I am charged with enforcing and</p> <p>16 making sure that Department and hospital</p> <p>17 policies, institutional policies are equally</p> <p>18 distributed -- equally enforced amongst all the</p> <p>19 residents, as well as ensuring appropriate</p> <p>20 supervision of our junior residents, basically</p> <p>21 arranging for coverage and that sort of thing</p> <p>22 when a resident is absent, scheduling issues</p> <p>23 and things of that nature.</p> <p>24 Q How do you know Dr. Varughese?</p> <p>25 A She was one of our postgraduate</p>

29 (Pages 110 to 113)

<p style="text-align: right;">Page 114</p> <p>1 LEENA VARUGHESE</p> <p>2 year 4 residents in the pathology program.</p> <p>3 Q Did you have any problem over</p> <p>4 coverage issues on August 5th?</p> <p>5 A I had a resident call out sick</p> <p>6 on August 5th. Unfortunately this resident had</p> <p>7 been ill multiple times during her surgical</p> <p>8 pathology month and so we have a policy in</p> <p>9 place for residents who call out sick.</p> <p>10 Basically it dictates an order</p> <p>11 in which we pull residents to cover our other</p> <p>12 services so that we have the same residents</p> <p>13 aren't getting asked to cover over and over</p> <p>14 again.</p> <p>15 Because this resident had been</p> <p>16 out so many times, I had now gotten down to the</p> <p>17 rotation where Dr. Varughese had to cover for</p> <p>18 the absent resident.</p> <p>19 Q Was Dr. Varughese aware of this</p> <p>20 and of other departmental policies and if so,</p> <p>21 how?</p> <p>22 A She was aware, we discussed the</p> <p>23 new policies that were going into place for the</p> <p>24 year at a resident meeting, which Dr. Varughese</p> <p>25 was not able to make, she was on vacation, it</p>	<p style="text-align: right;">Page 116</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Did you need Dr. Varughese to</p> <p>3 cover the the frozen section room on August</p> <p>4 5th?</p> <p>5 A I did.</p> <p>6 Q Why?</p> <p>7 A The residents, like I said, had</p> <p>8 called out sick multiple times, I had rotated</p> <p>9 through several other residents in order of the</p> <p>10 policy and the next person to be pulled</p> <p>11 according to the policy was Dr. Varughese.</p> <p>12 Q How did you tell Dr. Varughese</p> <p>13 that she needed to cover the service?</p> <p>14 A I contacted her by e-mail -- I</p> <p>15 contacted her by e-mail, I'm not entirely</p> <p>16 positive if it was the night before or the</p> <p>17 morning of.</p> <p>18 Q What was her response to that</p> <p>19 e-mail?</p> <p>20 A She said that her initial</p> <p>21 response was she could not cover.</p> <p>22 Q Did she cover frozen sections on</p> <p>23 that day?</p> <p>24 A No, she did not.</p> <p>25 Q Why not?</p>
<p style="text-align: right;">Page 115</p> <p>1 LEENA VARUGHESE</p> <p>2 was an excused absence, but she did sign the</p> <p>3 resident meeting minute acknowledgment sheet,</p> <p>4 I'm sorry, I believe she did, I'm not 100</p> <p>5 percent sure on that, but she did sign the</p> <p>6 acknowledgment of Department policies</p> <p>7 acknowledging she did receive them and she was</p> <p>8 aware.</p> <p>9 Q Would you refer to Exhibit</p> <p>10 number 17? Department Exhibit 17.</p> <p>11 Would you browse through the</p> <p>12 content of the exhibit and describe in your own</p> <p>13 words briefly what they represent?</p> <p>14 A The first page is Dr. Varughese'</p> <p>15 acknowledgment of the Department policies,</p> <p>16 there are six policies listed that she</p> <p>17 acknowledged the procedure if she had to make a</p> <p>18 schedule change, absent a coverage policy,</p> <p>19 which was the one I just referenced, which</p> <p>20 dictates the order in which we pull residents</p> <p>21 whenever they are absent, morning conference</p> <p>22 attendance policy, corrective action policy, as</p> <p>23 well as reviewing the resident meeting minutes</p> <p>24 and acknowledging them and transitions of care</p> <p>25 and the pages that follow are those policies.</p>	<p style="text-align: right;">Page 117</p> <p>1 LEENA VARUGHESE</p> <p>2 A In subsequent e-mails she told</p> <p>3 me that she had an injury to her arm and that</p> <p>4 she would not be able to perform those duties</p> <p>5 due to her injury.</p> <p>6 Q Did she ever provide proof of</p> <p>7 had her alleged injury?</p> <p>8 A No.</p> <p>9 Q Would you refer to Exhibit 6,</p> <p>10 Department Exhibit 6, browse through them and</p> <p>11 describe in your own words what they represent</p> <p>12 or document?</p> <p>13 A That's my communication with Dr.</p> <p>14 Varughese on -- starting on the Thursday August</p> <p>15 4th, the night before I needed her to cover</p> <p>16 asking her to cover, her subsequent e-mails</p> <p>17 back describing her injury and how it limited</p> <p>18 her ability to cover frozen sections for that</p> <p>19 Friday afternoon, and then her subsequent</p> <p>20 suggestions to me that in the past we had</p> <p>21 had -- the Chief Residents just asked residents</p> <p>22 to cover and didn't dictate it.</p> <p>23 I explained to her in another</p> <p>24 portion of the e-mail that we were no longer</p> <p>25 were asking residents to cover because</p>

30 (Pages 114 to 117)

<p style="text-align: right;">Page 118</p> <p>1 LEENA VARUGHESE</p> <p>2 unfortunately the same residents would get</p> <p>3 pulled over and over, only the residents who</p> <p>4 would agree to cover.</p> <p>5 The new policy made it easier</p> <p>6 for the Chief Residents to find coverage so</p> <p>7 that we didn't have to ask a whole bunch of</p> <p>8 different people, it was already laid out who</p> <p>9 would be pulled.</p> <p>10 Q Did you ever ask Dr. Varughese</p> <p>11 to submit proof of her injury?</p> <p>12 A I did.</p> <p>13 Q Did she ever -- did you ever</p> <p>14 find out why she was, in fact, injured or</p> <p>15 submitted proof of that?</p> <p>16 A To the best of my knowledge she</p> <p>17 never submitted proof and I am not aware what</p> <p>18 the extent of her injury was.</p> <p>19 Q Did you need Dr. Varughese to</p> <p>20 cover surgical pathology service on August</p> <p>21 12th?</p> <p>22 A Yes.</p> <p>23 Q Why?</p> <p>24 A Again, I had a resident who</p> <p>25 called out sick for that day and the service</p>	<p style="text-align: right;">Page 120</p> <p>1 LEENA VARUGHESE</p> <p>2 to see if he could possibly get ahold of Dr.</p> <p>3 Varughese since I was very concerned about the</p> <p>4 service being covered and making sure that the</p> <p>5 specimens were processed.</p> <p>6 I asked him to step in and see</p> <p>7 if he could contact her to find out if she</p> <p>8 would cover the service.</p> <p>9 Q What did he do?</p> <p>10 A To the best of my knowledge,</p> <p>11 what I was told is he paged her.</p> <p>12 Q Did she cover surgicals that</p> <p>13 day?</p> <p>14 A Yes.</p> <p>15 Q Did she ever respond to your</p> <p>16 e-mails?</p> <p>17 A No.</p> <p>18 Q Refer to Exhibit 7 and 8.</p> <p>19 Browse through them and describe briefly what</p> <p>20 they represent.</p> <p>21 DR. BRONHEIM: Before we leave</p> <p>22 Exhibit 7, I see that there is a message</p> <p>23 from Dr. Adrienne to Dr. Morency.</p> <p>24 You covered about 15 differen --</p> <p>25 you cc'd about 15 different people.</p>
<p style="text-align: right;">Page 119</p> <p>1 LEENA VARUGHESE</p> <p>2 required coverage.</p> <p>3 Q Why was Dr. Varughese</p> <p>4 specifically assigned to cover surgical on that</p> <p>5 day?</p> <p>6 A Since I did -- I assigned</p> <p>7 another resident rather than her to cover</p> <p>8 frozen sections, the next person up in rotation</p> <p>9 would logically be her, since she was passed</p> <p>10 over due to her injury, the next time somebody</p> <p>11 needed coverage she was the first go to person.</p> <p>12 Q Did you attempt to contact Dr.</p> <p>13 Varughese to tell her that she needed to cover</p> <p>14 surgical?</p> <p>15 A I did, I contacted her via</p> <p>16 e-mail.</p> <p>17 Q Did Dr. Varughese respond to</p> <p>18 your e-mails or page?</p> <p>19 A No.</p> <p>20 Q What did you do?</p> <p>21 A I contacted Dr. Lento via phone,</p> <p>22 I was doing all of this remotely I was on an</p> <p>23 away elective at the time, so I was contacting</p> <p>24 him.</p> <p>25 I contacted Dr. Lento via phone</p>	<p style="text-align: right;">Page 121</p> <p>1 LEENA VARUGHESE</p> <p>2 Would you explain why you made such</p> <p>3 an extensive list? I am on page -- sorry</p> <p>4 Dr. Adrienne.</p> <p>5 DR. WEINFELD: Of that exhibit?</p> <p>6 DR. BRONHEIM: Yes.</p> <p>7 THE WITNESS: Yes, I can.</p> <p>8 Dr. Morency was cc'd because she's my</p> <p>9 co-Chief, Dr. Blau was the resident who</p> <p>10 was sick, so she is on there so that she</p> <p>11 knew who covered for her.</p> <p>12 A lot of times the residents like</p> <p>13 to say thank you for covering when I was</p> <p>14 out, so she was cc'd on that, Dr. Firpa</p> <p>15 and Dr. Lento because they are the program</p> <p>16 directors respectively, Dr. Blejwas</p> <p>17 because he is the head of anatomic</p> <p>18 pathology, and since I was also commenting</p> <p>19 on the biopsies being covered that day he</p> <p>20 needed to be aware of the situation.</p> <p>21 Dr. Grunis was Dr. Blau's surgical</p> <p>22 partner, she needed to be aware of what</p> <p>23 the coverage was because in the afternoon</p> <p>24 whenever the -- I'm sorry, I'm going too</p> <p>25 fast.</p>

31 (Pages 118 to 121)

<p style="text-align: right;">Page 122</p> <p>1 LEENA VARUGHESE</p> <p>2 The biopsy frozen resident does</p> <p>3 biopsies in the morning then -- they are</p> <p>4 partnered, does frozen in the afternoon</p> <p>5 then midday they switch, Dr. Grunis would</p> <p>6 be signing over the rest of the biopsies</p> <p>7 that hadn't gotten signed out to whoever</p> <p>8 her partner was for that day.</p> <p>9 Since Dr. Blau, her normal partner,</p> <p>10 was out, I was asking Dr. Varughese to</p> <p>11 step in, I wanted Dr. Grunis to be aware</p> <p>12 of who she would be exchanging the</p> <p>13 biopsies with.</p> <p>14 So that's why she's on-there.</p> <p>15</p> <p>16 DR. BRONHEIM: So, would you say</p> <p>17 that Dr. Varughese not agreeing or not</p> <p>18 being available to cover created a great</p> <p>19 deal of complicated rescheduling?</p> <p>20 THE WITNESS: It was complicated</p> <p>21 to reschedule her, yes, but I did not</p> <p>22 include these people on the subsequent</p> <p>23 e-mails.</p> <p>24 Once I sent out that general e-mail</p> <p>25 these people were dropped to just a few</p>	<p style="text-align: right;">Page 124</p> <p>1 LEENA VARUGHESE</p> <p>2 where I'm trying to follow up on the fact that</p> <p>3 Dr. Varughese hasn't yet responded to my e-mail</p> <p>4 for coverage.</p> <p>5 Like I said, I was off-site</p> <p>6 during this time, so I really needed to make</p> <p>7 sure that patients weren't being put at risk by</p> <p>8 their specimens not being processed.</p> <p>9 So I was contacting the program</p> <p>10 director to make sure that she was covering and</p> <p>11 then one of the e-mails is Dr. Lento's response</p> <p>12 back to me saying he instructed Dr. Varughese</p> <p>13 to contact me to let me know she would cover,</p> <p>14 and she never did.</p> <p>15 Q What is is Department number 8?</p> <p>16 A Exhibit 8 is my e-mail to Dr.</p> <p>17 Najfeld where I'm asking if Leena had come in,</p> <p>18 Dr. Varughese had come in for the day because I</p> <p>19 was getting concerned for the service and I</p> <p>20 also knew that Dr. Najfeld had an appointment</p> <p>21 later in the morning, and needed to meet with</p> <p>22 her earlier in the day, so I was concerned for</p> <p>23 everybody's time.</p> <p>24 Q Now, is there a policy regarding</p> <p>25 attendance to core conferences in the</p>
<p style="text-align: right;">Page 123</p> <p>1 LEENA VARUGHESE</p> <p>2 people who were intricately involved.</p> <p>3 DR. BRONHEIM: Okay.</p> <p>4 Q Any comments on Exhibits 7 and</p> <p>5 8.</p> <p>6 Now is there a --</p> <p>7 A Sorry, I am still reading 7 and</p> <p>8 8.</p> <p>9 Q What is Department Exhibit 7</p> <p>10 first?</p> <p>11 A Exhibit 7 is my e-mail to Dr.</p> <p>12 Varughese and several other people asking her</p> <p>13 to cover for an absent resident on surgical</p> <p>14 service that day.</p> <p>15 The other people included on the</p> <p>16 e-mail are other people that asked to step in</p> <p>17 and help in the gross room, so that way Dr.</p> <p>18 Varughese wouldn't be overwhelmed with the</p> <p>19 grossing responsibilities for that day and she</p> <p>20 could at least somewhat participate in her</p> <p>21 normally scheduled rotation.</p> <p>22 Q And would you turn over to</p> <p>23 Department Exhibit 8?</p> <p>24 A The rest of Exhibit 7 is my</p> <p>25 communications with Dr. Najfeld and Dr. Lento</p>	<p style="text-align: right;">Page 125</p> <p>1 LEENA VARUGHESE</p> <p>2 Department as part of the program?</p> <p>3 A There is.</p> <p>4 Q Would you explain it, please?</p> <p>5 A May I refer to the exhibit real</p> <p>6 quick?</p> <p>7 Q Sure.</p> <p>8 A That was Exhibit Department 6,</p> <p>9 right?</p> <p>10 MR. McEVOY: The policy?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MR. McEVOY: 17.</p> <p>13 A Department Exhibit 17, so the</p> <p>14 policy for morning conference attendance to</p> <p>15 ensure that the residents receive a complete</p> <p>16 academic curriculum during their program time</p> <p>17 here, they are required to attend conference</p> <p>18 per ACGME guidelines.</p> <p>19 There is a sign-up sheet out in</p> <p>20 the morning whenever there is conference at</p> <p>21 8:00 a.m. and if they fail to -- while nobody</p> <p>22 is perfect, we allow an 80 percent conference</p> <p>23 rate, basically allowing the residents to miss</p> <p>24 one conference a week to allow for things like</p> <p>25 sleeping in, traffic, doctors appointments and</p>

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<p style="text-align: right;">Page 126</p> <p>1 LEENA VARUGHESE</p> <p>2 so on.</p> <p>3 If they fail to meet that 80</p> <p>4 percent level there are penalties, if they fail</p> <p>5 between the 60 and 80 percent averaged over the</p> <p>6 four week block, then they have to prepare one</p> <p>7 lecture.</p> <p>8 DR. WEINFELD: We can read this,</p> <p>9 let's keep going. It's not your fault</p> <p>10 let's move along.</p> <p>11 This is going to take forever,</p> <p>12 let's move it.</p> <p>13 Q Did Dr. Varughese ever fail to</p> <p>14 meet the 80 percent required?</p> <p>15 A Yes.</p> <p>16 Q What happened?</p> <p>17 A My co-Chief, Dr. Morency,</p> <p>18 e-mailed her and explained to her, she had</p> <p>19 fallen below the 80 percent conference</p> <p>20 attendance for period 2 and that she would be</p> <p>21 required to give a make-up lecture at a later</p> <p>22 date, and I believe that e-mail also stated</p> <p>23 which date Dr. Varughese was assigned.</p> <p>24 Q Did she ever respond to</p> <p>25 Dr. Morency's e-mails?</p>	<p style="text-align: right;">Page 128</p> <p>1 LEENA VARUGHESE</p> <p>2 Q And what happened then?</p> <p>3 A She came into morning</p> <p>4 conference, as there was another resident</p> <p>5 presenting that morning, she came in for</p> <p>6 lecture at 8:00 a.m.</p> <p>7 Lecture starts at 8:00 a.m., she</p> <p>8 came in at 8:15 and sat down and when the first</p> <p>9 resident completed their presentation at 8:30,</p> <p>10 we were waiting for her to transition up to the</p> <p>11 podium to give her presentation and she walked</p> <p>12 out.</p> <p>13 Q Is there a policy in place</p> <p>14 requiring proof of illness for failing to</p> <p>15 fulfill tasks required as part of the job?</p> <p>16 A Yes. Anything that requires a</p> <p>17 violation in Department policy, for example,</p> <p>18 not covering the service whenever it's your</p> <p>19 turn in the rotation does require</p> <p>20 documentation.</p> <p>21 Q Did she provide any proof of</p> <p>22 illness on those days she failed to present?</p> <p>23 A No.</p> <p>24 Q Would you refer to Exhibits 9</p> <p>25 and 10, Department Exhibits 9 and 10. First</p>
<p style="text-align: right;">Page 127</p> <p>1 LEENA VARUGHESE</p> <p>2 A Not at that time, later, about a</p> <p>3 month later she did.</p> <p>4 Whenever I followed up in</p> <p>5 another e-mail asking what her topic was.</p> <p>6 Q Did Dr. Varughese fail to</p> <p>7 respond to subsequent follow-up e-mails from</p> <p>8 Dr. Morency and you?</p> <p>9 A I'm not sure what the time line</p> <p>10 of her response was, she eventually did respond</p> <p>11 with topics that she wished to present and as</p> <p>12 Chief Residents Elizabeth and I discussed her</p> <p>13 topics and we felt that they weren't to the</p> <p>14 level of a PGY 4 resident, so we did not</p> <p>15 approve the topics and made some alternate</p> <p>16 suggestions for things that she could present.</p> <p>17 Q Do you recall ever her calling</p> <p>18 in sick after being scheduled to present on</p> <p>19 September 13 or 14?</p> <p>20 A Yes, September 13th was the</p> <p>21 first date she was assigned to give her penalty</p> <p>22 conference, she did call out sick that day.</p> <p>23 Q What happened then?</p> <p>24 A I rescheduled her for September</p> <p>25 14th.</p>	<p style="text-align: right;">Page 129</p> <p>1 LEENA VARUGHESE</p> <p>2 Department Exhibit 9, briefly describe what</p> <p>3 they represent?</p> <p>4 A It's a series of e-mails, my</p> <p>5 first e-mail being that is Dr. Varughese had to</p> <p>6 acknowledge the resident meeting minutes for</p> <p>7 the resident meeting that took place on August</p> <p>8 26th, I send out the minutes within two weeks</p> <p>9 after the meeting, then the residents have two</p> <p>10 weeks to sign the acknowledgment sheet that</p> <p>11 they approved the minutes meeting and they are</p> <p>12 aware of that content.</p> <p>13 We discuss serious material at</p> <p>14 these meetings that we need the residents to be</p> <p>15 aware of, so they must acknowledge it.</p> <p>16 Then it's an e-mail from you</p> <p>17 asking her to comply with the Chief Residents</p> <p>18 according to ACGME guidelines and our</p> <p>19 Department policies.</p> <p>20 And then it's another e-mail</p> <p>21 from me to Dr. Varughese asking her, thanking</p> <p>22 her for her acknowledgment of the meeting</p> <p>23 minutes, but also asking her for her topic of</p> <p>24 the penalty conference which she was scheduled</p> <p>25 for at that time to be on September 13th, which</p>

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<p style="text-align: right;">Page 130</p> <p>1 LEENA VARUGHESE</p> <p>2 was the day she called out sick.</p> <p>3 Q Go to Department Exhibit 10.</p> <p>4 A The first e-mail is the one that</p> <p>5 was sent at the end of August from Dr. Morency</p> <p>6 informing Dr. Varughese that she fell below the</p> <p>7 80 percent level of conference attendance for</p> <p>8 period 2, and will be required to give a</p> <p>9 make-up conference on September 14th, but I</p> <p>10 believe that was a mistake in the dating, I</p> <p>11 believe Dr. Morency actually meant Wednesday</p> <p>12 September 13th, but I would have to look at the</p> <p>13 calendar, I'm sorry.</p> <p>14 The next e-mail is from Dr.</p> <p>15 Varughese on September 13th stating that she</p> <p>16 was not required to be at all the conferences</p> <p>17 because she spoke with Dr. Firpa and she was</p> <p>18 attending other conferences which were of</p> <p>19 educational value to her, and that she was</p> <p>20 requesting a hospital-wide conference list for</p> <p>21 all the available daily conferences in that she</p> <p>22 would present the next day a hodgepodge of all</p> <p>23 the cytology lectures that she missed.</p> <p>24 Then Dr. Firpa responded that</p> <p>25 she can attend as many other conferences as she</p>	<p style="text-align: right;">Page 132</p> <p>1 LEENA VARUGHESE</p> <p>2 Then the last part of that</p> <p>3 exhibit is my response back to her apologizing</p> <p>4 that I thought she was calling out sick for the</p> <p>5 next day and I would correct that, that all the</p> <p>6 residents who needed me while I was on my away</p> <p>7 elective were able to get in touch with me and</p> <p>8 that I could provide her with documentation of</p> <p>9 that.</p> <p>10</p> <p>11 DR. WEINFELD: Why don't we ask a</p> <p>12 question, this is reading through the</p> <p>13 exhibits we all have.</p> <p>14 Q Did Dr. Varughese ever challenge</p> <p>15 your authority as Chief Resident?</p> <p>16 A Yes.</p> <p>17 Q How?</p> <p>18 A Well, in that particular e-mail</p> <p>19 she states that I was essentially not the Chief</p> <p>20 Resident during period 2, when, in fact, I was,</p> <p>21 I was just an off-site Chief Resident.</p> <p>22 Q Was this the only instance in</p> <p>23 which she challenged your authority as Chief</p> <p>24 Resident?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 131</p> <p>1 LEENA VARUGHESE</p> <p>2 wants, but the 8:00 a.m. conferences are still</p> <p>3 mandatory for all residents.</p> <p>4 Then Dr. Varughese called out</p> <p>5 sick for the following day that she was</p> <p>6 supposed to present and that she's not</p> <p>7 qualified to give any real core lecture because</p> <p>8 she's only a resident.</p> <p>9 And then -- I'm sorry, she's not</p> <p>10 calling out sick at this point, I interpreted</p> <p>11 her e-mail as calling out sick, she said she</p> <p>12 wasn't feeling well and wouldn't be able to</p> <p>13 present.</p> <p>14 I then sent an e-mail to</p> <p>15 everyone saying she was calling out sick, I</p> <p>16 presumed when she said I don't feel well that's</p> <p>17 what it meant, and she sends me a response back</p> <p>18 basically stating that I wasn't available for</p> <p>19 the residents in period 2, so I don't know who</p> <p>20 was keeping track of attendance.</p> <p>21 That I am making a hostile work</p> <p>22 environment, that I am dictating who she can</p> <p>23 and cannot talk to and that I should only -- I</p> <p>24 should communicate with her through Dr. Firpa</p> <p>25 in the future.</p>	<p style="text-align: right;">Page 133</p> <p>1 LEENA VARUGHESE</p> <p>2 Q What did you do in each of those</p> <p>3 instances?</p> <p>4 A I responded to her in my</p> <p>5 capacity as Chief Resident and I made sure that</p> <p>6 both Drs. Firpa and Dr. Lento and my co-Chief</p> <p>7 Dr. Morency were aware of the issues.</p> <p>8 DR. FIRPA: I have no further</p> <p>9 questions.</p> <p>10 DR. WEINFELD: Dr. Varughese.</p> <p>11</p> <p>12 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>13</p> <p>14 Q So, you were, in fact, not here</p> <p>15 for the period 2?</p> <p>16 A I was not on-site, correct.</p> <p>17 Q So where were you?</p> <p>18 Were you on an away elective?</p> <p>19 DR. WEINFELD: She said she was</p> <p>20 away on an elective, so let's move on.</p> <p>21 Q Was your pager working the</p> <p>22 entire time you were not here?</p> <p>23 A No, there were two weeks where</p> <p>24 my short range pager -- I found out on my first</p> <p>25 day of my rotation did not work, I sent out an</p>

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<p style="text-align: right;">Page 134</p> <p>1 LEENA VARUGHESE</p> <p>2 e-mail to all of the residents and the faculty</p> <p>3 stating what my cell phone number was and where</p> <p>4 they could reach me, and I made the Department</p> <p>5 aware of it, and they sent me an overnight -- a</p> <p>6 national-wide pager, but it took about a week</p> <p>7 and a half to get to me, but through that time</p> <p>8 I did send constant e-mails telling everybody</p> <p>9 what my cell phone number was and that they</p> <p>10 could reach me by phone.</p> <p>11 Which several residents did do.</p> <p>12 Q So when was the policy</p> <p>13 acknowledgment due, what date was it due?</p> <p>14 A I don't recall.</p> <p>15 Q When were we supposed to have</p> <p>16 read everything, understood and submitted the</p> <p>17 policy acknowledgment?</p> <p>18 A I don't recall.</p> <p>19 Q Well, okay, let's refer to</p> <p>20 Exhibit 17 by the Department.</p> <p>21 DR. WEINFELD: Tell us what</p> <p>22 policy you want us to refer to, please.</p> <p>23 DR. VARUGHESE: So Exhibit 17</p> <p>24 Page 1, it shows the acknowledgment of</p> <p>25 Department policies and I have signed it</p>	<p style="text-align: right;">Page 136</p> <p>1 LEENA VARUGHESE</p> <p>2 So as of July 1, one of the first</p> <p>3 tasks were to formalize all this general</p> <p>4 ideas into written documents.</p> <p>5 It was scheduled then at a</p> <p>6 residents and fellows meeting to present</p> <p>7 them with the final draft as they were</p> <p>8 consensuated among the established</p> <p>9 policies in other comparable programs with</p> <p>10 the United States.</p> <p>11 DR. WEINFELD: New policies in</p> <p>12 the Department, is that it?</p> <p>13 DR. FIRPA: Many of them were</p> <p>14 already in place, but this is the first</p> <p>15 formal acknowledgment and incorporated</p> <p>16 into the program description.</p> <p>17 A meeting was held, the residents</p> <p>18 voted, she was absent because she was on</p> <p>19 vacation, but upon her return, the package</p> <p>20 was in her mailbox and she was informed as</p> <p>21 everybody was who was absent that this was</p> <p>22 the consensus, and that they had to read</p> <p>23 them and acknowledge receipt by signature.</p> <p>24 The deadline for submitting the</p> <p>25 signature was 8/15 and she waited until</p>
<p style="text-align: right;">Page 135</p> <p>1 LEENA VARUGHESE</p> <p>2 and dated it as of 8/15/2011 that's when</p> <p>3 it was due.</p> <p>4 So, yes, when Dr. Jordan first</p> <p>5 e-mailed me about covering I had, of</p> <p>6 course, just been on vacation, came back,</p> <p>7 I had responsibilities on other rotations,</p> <p>8 I am managing all those.</p> <p>9 No, I did not get to read through</p> <p>10 approximately how many pages, 7 new pages</p> <p>11 of Department policy at that point.</p> <p>12 DR. WEINFELD: Can I ask a</p> <p>13 question, what's the policy on</p> <p>14 acknowledgment of Department policy?</p> <p>15 Is this something that residents</p> <p>16 sign when they first -- when they are PGY</p> <p>17 2, 1, this was signed three months ago, so</p> <p>18 why was this signed three months ago and</p> <p>19 not at the beginning of the residency?</p> <p>20 DR. LEITER: It's new policy.</p> <p>21 DR. WEINFELD: I'm not asking</p> <p>22 you, I'm asking the Department.</p> <p>23 DR. FIRPA: There were policies</p> <p>24 but they were not formalized policies in</p> <p>25 place at the Department.</p>	<p style="text-align: right;">Page 137</p> <p>1 LEENA VARUGHESE</p> <p>2 the very last day to do that.</p> <p>3 DR. WEINFELD: Okay.</p> <p>4 DR. BRONHEIM: Dr. Varughese, you</p> <p>5 are a PGY 4 resident, you have had Chief</p> <p>6 Residents for many years, are you saying</p> <p>7 that a Chief Resident tells you that you</p> <p>8 have to be on call, that it's up to you</p> <p>9 to decide whether or not it's</p> <p>10 appropriate?</p> <p>11 DR. VARUGHESE: No, she had</p> <p>12 e-mailed me the day before and she said</p> <p>13 that, you know, one of the residents was</p> <p>14 calling out sick and I needed to cover</p> <p>15 for this resident for that morning.</p> <p>16 I e-mailed her saying that I</p> <p>17 couldn't because of my arm injury, and</p> <p>18 because I knew I wouldn't be able to</p> <p>19 because of my arm injury I just wanted to</p> <p>20 give her advance notice.</p> <p>21 I didn't explain myself, I just</p> <p>22 told her that I couldn't cover.</p> <p>23 DR. WEINFELD: When they asked</p> <p>24 you for, well this is relevant to this,</p> <p>25 when they asked for documentation of</p>

35 (Pages 134 to 137)

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<p>1 LEENA VARUGHESE 2 that, how come you didn't provide that? 3 DR. VARUGHESE: Well, because I 4 was actually at work on Friday, I had 5 the arm injury for several days, it 6 wasn't something that I just had, and it 7 was not something that I went to see a 8 doctor for. 9 It was, you know, so I don't have a 10 doctor's note for that, I actually came 11 into work despite all that. 12 DR. WEINFELD: The question was 13 why didn't you provide documentation 14 knowing that that was what was required? 15 DR. VARUGHESE: Well, I didn't 16 know I was required, actually, to 17 provide documentation. 18 THE WITNESS: May I say 19 something? 20 DR. WEINFELD: Sure. 21 THE WITNESS: Actually I realize 22 that we are physicians and we don't 23 always seek a doctor's appointment 24 whenever we hurt ourselves, so actually 25 whenever I e-mailed Dr. Varugheese to ask</p>	<p>1 LEENA VARUGHESE 2 DR. BRONHEIM: From the 3 Department? 4 DR. VARUGHESE: From the 5 Department. 6 DR. WEINFELD: What's your 7 question? 8 DR. VARUGHESE: Department 9 Exhibit 8 -- not Exhibit 8. 10 Anyway, I do explain my injury to 11 some extent in an e-mail to Dr. Jordan on 12 August 5th when she asked me to cover. 13 So, in fact, I did explain to her 14 already, I mean beyond that, I -- 15 DR. WEINFELD: Tell us the e-mail 16 you are referring to that you explain 17 that. 18 DR. ROCCO: Exhibit 6. 19 DR. MARIN: Department Exhibit 6. 20 DR. ROCCO: I think that's what 21 she's trying to find. 22 DR. WEINFELD: Looks like second 23 page of Exhibit 6, middle of the page, 24 Department Exhibit 6.. 25 DR. VARUGHESE: So, here I just</p>
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<p>1 LEENA VARUGHESE 2 her for proof of her illness one of my 3 options I even gave her was to just 4 write a letter herself stating what her 5 injuries were and to turn that in and I 6 would accept that as proof. 7 I trust her as a -- 8 DR. VARUGHESE: Well, okay. 9 DR. WEINFELD: Were you finished? 10 Do you want to finish your thought? 11 THE WITNESS: I was just going to 12 say I was going to accept that as 13 documentation of her injury, but to the 14 best of my knowledge she didn't turn 15 that in either. 16 So I wasn't requiring specifically 17 a physician's note. 18 DR. VARUGHESE: I mean I want to 19 refer to the exhibit that relays all 20 these e-mails from I'm not sure which 21 one that was, was it 7 or 9? 22 DR. WEINFELD: Which e-mail are 23 you referring to? 24 DR. VARUGHESE: I think it was 25 Exhibit 7.</p>	<p>1 LEENA VARUGHESE 2 say that I don't have -- if I didn't 3 have a wrist, hand injury I would be 4 happy to oblige. 5 DR. MARIN: That doesn't 6 constitute an explanation. 7 What she's talking about is just 8 explaining what happened to your hand why 9 you were injured and what the nature of 10 the problem is. 11 DR. ROCCO: Can you explain why a 12 wrist and hand injury would prohibit you 13 from taking part in this rotation or the 14 coverage for the day in frozen? 15 DR. VARUGHESE: So frozen section 16 basically involves me cutting, making 17 slides to be read, so if -- and handling 18 specimens, I have to cut the specimens, 19 then processing specimens, and then 20 label and everything, so that requires 21 some dexterity, so I just didn't feel 22 that, you know, I could do that. 23 DR. MARIN: Can you explain to us 24 what you -- it sounds like you were able 25 to go into work that day, what you were</p>

36 (Pages 138 to 141).

Page 142	Page 144
<p>1 LEENA VARUGHESE 2 able to do, what rotation you felt like 3 you were physically able to do. 4 DR. VARUGHESE: In genetics it's 5 not a manually, it doesn't require 6 manual labor, so I did go to that 7 rotation. 8 DR. WEINFELD: Okay, let's move 9 on. 10 Any other questions for Dr. Jordan? 11 Q So you said that I have not 12 responded to the e-mails from the Chief 13 Residents in the past. 14 A Yes. 15 Q But, in fact, I have and I 16 requested a meeting, I was at the VA for 17 several weeks, the first two weeks I was in 18 cytogenetics and the second two weeks of period 19 two I was at the VA, so there was a request for 20 a meeting and I suggested perhaps everyone can 21 come there because, you know, and have this 22 meeting and have Dr. Jordan on the phone, but 23 that was -- I never got a response to that. 24 DR. WEINFELD: So what you are 25 saying, how many residents were at the</p>	<p>1 LEENA VARUGHESE 2 was not communication with me. 3 Q One more thing, why did you 4 state that I was not presenting? 5 I mean why did you state that I 6 would not come into work? 7 A I'm sorry. 8 DR. WEINFELD: What date are you 9 talking about? 10 DR. VARUGHESE: On Wednesday, 11 that would be the 13th. 12 DR. WEINFELD: September 13th? 13 DR. VARUGHESE: Yes. 14 A Because your e-mail to me stated 15 that you weren't feeling well and couldn't 16 present the next day, and I assumed that meant 17 that you were calling out sick, which you, in 18 fact, did do. 19 Q Yes, because -- because of the 20 hostility that I am receiving every time there 21 is any issue that comes up. 22 What happens is Dr. Jordan sends 23 me these -- this particular e-mail where she is 24 asking telling me that I'm not going to be 25 coming into work, she addresses Dr. Carter, she</p>
Page 143	Page 145
<p>1 LEENA VARUGHESE 2 VA, you? 3 DR. VARUGHESE: It was me, yes. 4 DR. WEINFELD: How many residents 5 were here? 6 DR. VARUGHESE: There were -- 7 DR. WEINFELD: 20? 8 DR. VARUGHESE: I'm not sure. 9 DR. WEINFELD: So 20 residents 10 should go to accommodate one resident. 11 That doesn't make sense. 12 DR. VARUGHESE: Not 20 residents, 13 the Chief Resident, because they 14 wanted -- 15 DR. WEINFELD: Ask your question, 16 I'm sorry. 17 DR. VARUGHESE: So I never got a 18 response to that. 19 A I believe that you did, 20 actually, but Dr. Morency would have to speak 21 to that because she was the one who was 22 contacting you. 23 But to the best of my knowledge 24 from what I remember on my e-mails she did 25 respond to you and after that, but again, that</p>	<p>1 LEENA VARUGHESE 2 calls out sick for me on my behalf, how rude 3 and obnoxious is that? 4 DR. WEINFELD: Let's ask a 5 question. 6 Q Do you think you're warranted to 7 call out for me? 8 A Like I said -- 9 Q To make a statement for me on my 10 behalf, as the Chief Resident? 11 A Like I said, I interpreted your 12 e-mail that you were calling out sick. 13 I did speak with somebody else 14 who was cc'd on that e-mail who also 15 interpreted that you were calling out sick, but 16 once you said that you didn't, my point one in 17 my ten point e-mail back to you was I 18 apologized for assuming you were calling out 19 sick. 20 That's the first thing I put in 21 that lengthy e-mail, so if that was my mistake, 22 I apologize, I assumed that's what you were 23 doing. 24 Q I feel like there have been a 25 lot of assumptions that you make for other</p>

37 (Pages 142 to 145)

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1 LEENA VARUGHESE
2 people when, in fact, it goes beyond your Chief
3 Resident responsibility.
4 A If you can provide me with
5 evidence of that, I would respond.
6 DR. MARIN: Dr. Varugheese, can I
7 ask you a question, if you did want to
8 call out sick, what would you do?
9 DR. VARUGHESE: I would send an
10 e-mail out to the Chief Residents.
11 DR. LEITER: So why didn't you
12 present? I'm unclear.
13 DR. VARUGHESE: I didn't present
14 because I wanted to do a presentation on
15 gross pathology and some other -- and
16 sections to submit and I think it's
17 really relevant and I thought I would do
18 that presentation and that would be
19 adequate.
20 DR. WEINFELD: On your September
21 13th e-mail this is?
22 DR. VARUGHESE: They wanted me to
23 do a different presentation.
24 DR. WEINFELD: This says I don't
25 feel well, I won't be able to present

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1 LEENA VARUGHESE
2 tomorrow.
3 What expectation would we have
4 other than you wouldn't be at work because
5 if you going to work but you wouldn't be
6 well enough to present, I don't really
7 understand that.
8 DR. VARUGHESE: Well, actually I
9 wasn't feeling well that day and I
10 wanted to make a presentation that was
11 about gross pathology and submitting the
12 appropriate sections.
13 When that wasn't to be, I had to
14 make a new presentation which I couldn't
15 do and the topics they actually gave me
16 which is not -- I don't know if it's
17 listed in any of these exhibits, in fact
18 they are in excess of what was presented
19 and discussed that particular period.
20 DR. WEINFELD: What other
21 conclusion would a person come to by you
22 saying I don't feel well, I won't be
23 able to present the lecture I'm supposed
24 to present?
25 DR. VARUGHESE: A it's arbitrary

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1 LEENA VARUGHESE
2 and capricious what they say to me on
3 any given day.
4 I do not know where I stand or what
5 I'm supposed to do and to what degree I
6 can do my job without having to deal with
7 this kind of issue on any given basis or
8 any given day.
9 DR. WEINFELD: Okay, let's go for
10 another question, any other questions
11 you have for Dr. Jordan?
12 Q Yes, I do.
13 So, I would like you to look at
14 Exhibit 34, my Exhibit 35.
15 DR. WEINFELD: Of your exhibits?
16 DR. VARUGHESE: Of my exhibits.
17 DR. WEINFELD: What's your
18 question? We are there.
19 Q So, it says I have missed
20 certain presentations here and I would like you
21 to refer to Exhibit 44.
22 DR. WEINFELD: Wait, we are on
23 35?
24 DR. VARUGHESE: On Page 2?
25 THE WITNESS: Sorry, which

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1 LEENA VARUGHESE
2 exhibit are we on?
3 DR. WEINFELD: The big book, 35
4 Page 2.
5 Q Page 1 is basically me
6 responding to an e-mail from Dr. Jordan about
7 what the topic is going to be for the
8 presentation, because she was interested in
9 knowing, so I sent her e-mails just saying that
10 it's going to be what it's going to be.
11 Then on -- then following that
12 she said that's not an appropriate lecture
13 topic?
14 DR. WEINFELD: Right.
15 DR. VARUGHESE: And she lists
16 several appropriate lecture topics that
17 I can present from.
18 These include cytology.
19 DR. LEITER: We can read it,
20 what's the question?
21 Q So basically if you were to
22 refer to Exhibit 44 for a period and this is
23 all the different conferences that were
24 supposedly presented in period 2, you will note
25 that there is actually a -- she has placed a

38 (Pages 146 to 149)

<p style="text-align: right;">Page 150</p> <p>1 LEENA VARUGHESE</p> <p>2 lecture?</p> <p>3 DR. BRONHEIM: What page?</p> <p>4 DR. VARUGHESE: So there were</p> <p>5 four cytology lectures that were given</p> <p>6 that month, so one of the cytology</p> <p>7 lectures, these are all Wednesday</p> <p>8 mornings, so one of them included GYN,</p> <p>9 reactive changes/infections.</p> <p>10 DR. WEINFELD: So what are you</p> <p>11 saying, it's not clear?</p> <p>12 DR. VARUGHESE: Basically what</p> <p>13 I'm saying is that she has arbitrarily</p> <p>14 placed a lecture that wasn't presented</p> <p>15 that month as something that I should</p> <p>16 present for a follow-up -- for a</p> <p>17 conference that I need to make up</p> <p>18 because I didn't attend the required</p> <p>19 conference.</p> <p>20 DR. MARIN: So I don't see what</p> <p>21 was arbitrary.</p> <p>22 I can understand you may not have</p> <p>23 wanted to do the topic there and that's up</p> <p>24 for discussion, but you haven't given us</p> <p>25 any information that says it's an</p>	<p style="text-align: right;">Page 152</p> <p>1 LEENA VARUGHESE</p> <p>2 saying I'm sorry that you have to create</p> <p>3 another presentation, but this is why</p> <p>4 Dr. Morency and I asked you several</p> <p>5 weeks ago for your topic.</p> <p>6 Why didn't you provide your topic</p> <p>7 at least a week in advance?</p> <p>8 That's in your 35, Page 2.</p> <p>9 DR. VARUGHESE: Yes, I understand</p> <p>10 what you are saying, so here is the --</p> <p>11 so for period 2 there were two Chief</p> <p>12 Residents we have on, so one Chief</p> <p>13 resident wasn't there for two weeks the</p> <p>14 first two weeks.</p> <p>15 That's when I was on cytogenetics,</p> <p>16 then for the following two weeks that</p> <p>17 other Chief Resident was on-site and this</p> <p>18 Chief Resident was away for the entire</p> <p>19 month.</p> <p>20 I did attend a lot of these</p> <p>21 conferences.</p> <p>22 DR. WEINFELD: You attended</p> <p>23 conferences that you were marked absent</p> <p>24 for, is that what you are saying?</p> <p>25 DR. VARUGHESE: I have a</p>
<p style="text-align: right;">Page 151</p> <p>1 LEENA VARUGHESE</p> <p>2 arbitrary decision to ask you to present</p> <p>3 on one topic versus the other, that seems</p> <p>4 to be within the domain of a Chief</p> <p>5 Resident.</p> <p>6</p> <p>7 DR. VARUGHESE: So the normal --</p> <p>8 she basically said normal -- okay, so I</p> <p>9 understand, but this is according to the</p> <p>10 departmental policy, it is stated that</p> <p>11 when we do have to make up a conference</p> <p>12 for missing these conferences that are</p> <p>13 mandatory, you basically had to present</p> <p>14 from one of those that you missed, not</p> <p>15 necessarily something they decide on,</p> <p>16 that's departmental policy, so I think</p> <p>17 there is a lot of confusion regarding</p> <p>18 this new policies that have been</p> <p>19 instituted.</p> <p>20 DR. LEITER: Why didn't you just</p> <p>21 choose a topic and e-mail?</p> <p>22 DR. VARUGHESE: I did choose a</p> <p>23 topic and present, but they said it</p> <p>24 wasn't appropriate.</p> <p>25 DR. BRONHEIM: They are also</p>	<p style="text-align: right;">Page 153</p> <p>1 LEENA VARUGHESE</p> <p>2 suspicion that may be true, because I</p> <p>3 actually was -- I did go to these</p> <p>4 conferences and I also had a discussion</p> <p>5 with Dr. Firpa regarding me attending</p> <p>6 conferences that are educational to me</p> <p>7 when I was at a different institution,</p> <p>8 and he said it was okay, I had to make a</p> <p>9 note of that, I am actually going to</p> <p>10 these conferences and that would be</p> <p>11 adequate or appropriate.</p> <p>12 DR. WEINFELD: Okay, so let's ask</p> <p>13 a question then.</p> <p>14 DR. MARIN: Are there any other</p> <p>15 questions for this witness?</p> <p>16 THE WITNESS: I'm sorry I am</p> <p>17 bouncing around.</p> <p>18 DR. MARIN: This is for you, is</p> <p>19 there anything else you would like to</p> <p>20 ask her?</p> <p>21 DR. VARUGHESE: I want to make</p> <p>22 myself clear.</p> <p>23 DR. MARIN: It's questions for</p> <p>24 the witness.</p> <p>25 DR. VARUGHESE: No.</p>

39 (Pages 150 to 153)

<p style="text-align: right;">Page 154</p> <p>1 LEENA VARUGHESE</p> <p>2 I just want to make the last</p> <p>3 statement clear, I did attend a lot of the</p> <p>4 conferences I'm not sure if the attendance</p> <p>5 list was done appropriately.</p> <p>6 DR. LEITER: Isn't there</p> <p>7 documentation?</p> <p>8 THE WITNESS: Yes, there is, the</p> <p>9 attendance sheet was every day that</p> <p>10 there was no chief on-site and we know</p> <p>11 this because everybody else signed in.</p> <p>12 It's common knowledge in our</p> <p>13 Department and our residency program that</p> <p>14 there is a sign in sheet out there every</p> <p>15 morning you have to sign in to get credit</p> <p>16 for the conference.</p> <p>17 DR. WEINFELD: Is there a reason</p> <p>18 why you wouldn't sign a sheet?</p> <p>19 DR. VARUGHESE: If I didn't see</p> <p>20 the sign in sheet immediately.</p> <p>21 DR. LEITER: You knew there were</p> <p>22 penalties if you didn't sign in.</p> <p>23 DR. VARUGHESE: The policy only</p> <p>24 went into effect as the 15th.</p> <p>25 DR. WEINFELD: Everyone signed</p>	<p style="text-align: right;">Page 156</p> <p>1 LEENA VARUGHESE</p> <p>2 employer?</p> <p>3 A Mount Sinai Medical Center.</p> <p>4 Q What is your title?</p> <p>5 A Fourth year resident, Chief</p> <p>6 Resident.</p> <p>7 Q What are your job duties?</p> <p>8 A As a resident or as a Chief</p> <p>9 Resident.</p> <p>10 Q As a Chief Resident.</p> <p>11 A As a Chief Resident to organize</p> <p>12 the schedules, to help orient new and incoming</p> <p>13 residents, to serve as a liaison between</p> <p>14 administration faculty and staff and residents,</p> <p>15 that's basically it.</p> <p>16 Q Was there ever a time when Dr.</p> <p>17 Varughese failed to meet the 80 percent</p> <p>18 requirements of attendance to core conferences?</p> <p>19 A Yes.</p> <p>20 Q Do you recall what that was?</p> <p>21 A Period 2.</p> <p>22 Q Do you remember what happened?</p> <p>23 A Yes, I sent an e-mail out Monday</p> <p>24 August 29 informing her of that fact we</p> <p>25 scheduled her for a date to give a make up</p>
<p style="text-align: right;">Page 155</p> <p>1 LEENA VARUGHESE</p> <p>2 the sign in sheet but you didn't?</p> <p>3 DR. VARUGHESE: Two weeks, August</p> <p>4 29th, on the first day of period 3 they</p> <p>5 want to tell me that I have to present.</p> <p>6 DR. WEINFELD: Any other</p> <p>7 questions for this witness?</p> <p>8 DR. VARUGHESE: It seems --</p> <p>9 DR. WEINFELD: The witness is</p> <p>10 excused, thank you.</p> <p>11 MR. MacDONALD: Can we go off the</p> <p>12 record.</p> <p>13 (Discussion off the record.)</p> <p>14</p> <p>15 ELIZABETH MORENCY, called</p> <p>16 as a witness, having been first duly sworn</p> <p>17 by the Notary Public, was examined and</p> <p>18 testified as follows:</p> <p>19</p> <p>20 DR. WEINFELD: Can we go back on</p> <p>21 the record.</p> <p>22</p> <p>23 DIRECT EXAMINATION BY DR. FIRPA:</p> <p>24</p> <p>25 Q Dr. Morency, who is your</p>	<p style="text-align: right;">Page 157</p> <p>1 LEENA VARUGHESE</p> <p>2 presentation per our conference attendance</p> <p>3 policy, and she initially failed to respond,</p> <p>4 she subsequently did acknowledge the fact that</p> <p>5 she was scheduled to present on that date, and</p> <p>6 then called out sick, so then we reschedule her</p> <p>7 for the next day.</p> <p>8 So the initial date was the 14th</p> <p>9 she called out sick, so we scheduled her for</p> <p>10 the 15th, she called out sick again.</p> <p>11 So then, she did show up that</p> <p>12 Thursday, whatever that Thursday was, came in</p> <p>13 but then left without making a presentation so</p> <p>14 she never ended up making a question.</p> <p>15 DR. MARIN: Is this common to</p> <p>16 call out sick that frequently in</p> <p>17 pathology residency, is this different,</p> <p>18 is that an acceptable event?</p> <p>19 THE WITNESS: Given the</p> <p>20 circumstances she was supposed to make a</p> <p>21 presentation, I just think its kind of</p> <p>22 strange.</p> <p>23 DR. MARIN: People call out sick</p> <p>24 frequently as residents?</p> <p>25 THE WITNESS: Sure, not -- it</p>

40 (Pages 154 to 157)

<p style="text-align: right;">Page 158</p> <p>1 LEENA VARUGHESE</p> <p>2 depends, if you are sick you call out,</p> <p>3 it's variable.</p> <p>4 DR. MARIN: Thank you.</p> <p>5 Q <u>Did she ever provide, did you</u></p> <p>6 <u>ever ask her for proof of illness since her</u></p> <p>7 <u>absences precluded her from fulfilling a task?</u></p> <p>8 A No, because the policy is you</p> <p>9 have to miss three consecutive days and she</p> <p>10 only missed two, so I didn't ask her.</p> <p>11 Q Would you look at Exhibit 10 in</p> <p>12 that book, Department's Exhibit 10, and briefly</p> <p>13 describe what they represent?</p> <p>14 A So this is just a series of</p> <p>15 e-mails back and forth initially starting</p> <p>16 explaining when she needs to come in and give</p> <p>17 her make up presentation, then she responded</p> <p>18 that she was going to be out sick, so then we</p> <p>19 wanted to reschedule her, but then she started</p> <p>20 to question as to why she had to give the</p> <p>21 presentation?</p> <p>22 Were there other residents</p> <p>23 required to give presentations?</p> <p>24 Why on that particular Wednesday</p> <p>25 she was scheduled, because we normally have our</p>	<p style="text-align: right;">Page 160</p> <p>1 LEENA VARUGHESE</p> <p>2 <u>fellow was on the list, right, as scheduled to</u></p> <p>3 <u>present on Thursday?</u></p> <p>4 DR. WEINFELD: Were you supposed</p> <p>5 to present that day, Dr. Varughese?</p> <p>6 DR. VARUGHESE: No, not on</p> <p>7 Thursday. I was supposed to present on</p> <p>8 Wednesday.</p> <p>9 DR. WEINFELD: The day you walked</p> <p>10 out and left, can you explain that?</p> <p>11 DR. VARUGHESE: Do you -- I was</p> <p>12 asking a question, can we --</p> <p>13 DR. WEINFELD: I know, but I am</p> <p>14 trying to get to the root of the</p> <p>15 question here.</p> <p>16 You can ask your question in a</p> <p>17 second, but do you have an explanation for</p> <p>18 leaving a conference that you were</p> <p>19 supposed to present at without</p> <p>20 explanation?</p> <p>21 DR. VARUGHESE: Well, I never</p> <p>22 agreed to present on Thursday, September</p> <p>23 14th.</p> <p>24 DR. WEINFELD: So you are saying</p> <p>25 you weren't supposed to present that</p>
<p style="text-align: right;">Page 159</p> <p>1 LEENA VARUGHESE</p> <p>2 weekly cytology lectures, so it was just kind</p> <p>3 of a back and forth, back and forth trying to</p> <p>4 establish a date when she was going to come.</p> <p>5 DR. WEINFELD: Can I interrupt a</p> <p>6 second, is there some new information we</p> <p>7 are going to get from this witness?</p> <p>8 DR. FIRPA: This is it, this is</p> <p>9 the end for our questioning.</p> <p>10 DR. WEINFELD: Great.</p> <p>11 DR. VARUGHESE: I have a few</p> <p>12 questions.</p> <p>13</p> <p>14 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>15</p> <p>16 Q <u>There was a fellow scheduled to</u></p> <p>17 <u>present on Thursday?</u></p> <p>18 A Yeah, for a 30 minute period so</p> <p>19 there are two 30 minute spots on Thursday</p> <p>20 available.</p> <p>21 Q <u>Who were the two fellows</u></p> <p>22 <u>supposed to present on Thursday?</u></p> <p>23 A It was just one, Dr. Klapper.</p> <p>24 Q <u>Well, as of that week when we</u></p> <p>25 <u>were sent out the weekly conference list, the</u></p>	<p style="text-align: right;">Page 161</p> <p>1 LEENA VARUGHESE</p> <p>2 day?</p> <p>3 DR. VARUGHESE: I never agreed to</p> <p>4 it.</p> <p>5 DR. WEINFELD: I don't know what</p> <p>6 that means.</p> <p>7 DR. LEITER: Were you prepared to</p> <p>8 present?</p> <p>9 DR. VARUGHESE: No, I was sent an</p> <p>10 e-mail very late on September 13th, was</p> <p>11 it, saying I have to present because</p> <p>12 somebody canceled.</p> <p>13 THE WITNESS: No, that's not how</p> <p>14 it worked.</p> <p>15 DR. MARIN: Were you prepared to</p> <p>16 present on the 13th, the day you were</p> <p>17 originally scheduled?</p> <p>18 DR. VARUGHESE: I was able to</p> <p>19 present what I was prepared to present</p> <p>20 on the 13th, but not the lecture topics</p> <p>21 that was mentioned in Dr. Jordan's</p> <p>22 e-mail that we had heard before.</p> <p>23 They didn't want me to present that</p> <p>24 and I wasn't about to make up a new</p> <p>25 presentation as I was taking a sick day</p>

41 (Pages 158 to 161)

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1 LEENA VARUGHESE
 2 and I wasn't going to work.
 3 If I were at work I would have
 4 worked on both Tuesday and Wednesday.
 5 DR. WEINFELD: Ask your question,
 6 I'm sorry.
 7 Q So Thursday there were two
 8 fellows who were --
 9 A One fellow.
 10 Q One fellow, but as of the week,
 11 beginning of the week the two fellows were both
 12 on the list as being able to present that week?
 13 A One fellow, Dr. Klapper only.
 14 Q Well, there was a different
 15 fellow when you sent out the conference list.
 16 DR. MARIN: She already told you
 17 there was one fellow scheduled.
 18 She answered your question, you
 19 can't keep asking her the same question.
 20 DR. VARUGHESE: Here is the
 21 thing, I want you to look at Exhibit --
 22 so I want you to look at Exhibit --
 23 that's Exhibit 45 in my exhibits.
 24 DR. WEINFELD: This is Dr.
 25 Varughese' Exhibit 45.

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1 LEENA VARUGHESE
 2 Q So here is a list of presenters
 3 for the year that's listed here from the
 4 Department of Pathology.
 5 So if you look at the date that
 6 I was supposed to present which was 9 -- well
 7 newly assigned to present I believe it is
 8 9/15/11, this is Akozi and Klapper.
 9 A Yes.
 10 Q So when did they cancel, when
 11 did doctor?
 12 A Dr. Akozi I honestly don't know
 13 but we knew as of Wednesday when we sent you
 14 the e-mail you were to present Thursday it was
 15 only going to be one fellow presenting that
 16 day.
 17 Q Okay, well actually I had also
 18 gotten an e-mail that earlier that week saying
 19 the people presenting on Thursday was
 20 Dr. Guarino, I believe and Dr. Klapper was it?
 21 A I don't remember the exact.
 22 DR. WEINFELD: Do you have a copy
 23 of that e-mail?
 24 DR. VARUGHESE: I do not have it
 25 in that particular exhibit list, I would

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1 LEENA VARUGHESE
 2 like to add it at a later date.
 3 DR. WEINFELD: So 47 exhibits, we
 4 don't have that.
 5 DR. VARUGHESE: Here is a list
 6 that says who is supposed to present as
 7 of Wednesday, one person is not
 8 presenting and up until then there were
 9 two people presenting that date the
 10 person canceled last minute and I
 11 believe that was Dr. Guarino who
 12 canceled the presentation that he was
 13 supposed to make at the last minute.
 14 And I was told I can present
 15 because he canceled and this is on
 16 Wednesday.
 17 And that's my sick day.
 18 Q So, anyway my other question for
 19 you is that you were on vacation for the first
 20 two weeks, right?
 21 A Of when?
 22 Q Of period 2.
 23 A Yes.
 24 Q So, basically you were on
 25 vacation and Dr. Jordan was not here for period

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1 LEENA VARUGHESE
 2 2?
 3 A Yes.
 4 Q And her e-mail, I'm sorry, her
 5 pager was not working?
 6 A She had a national pager.
 7 Q Right, eventually.
 8 So, basically we had no Chief
 9 Residents on-site for --
 10 A Two weeks, she wasn't on-site
 11 but she was the covering resident we had
 12 Jonathan Chow in charge of conference
 13 attendance making sure that he kept track of
 14 the sheet so everything was covered.
 15 Q Okay, great.
 16 So, what are the other Chief
 17 Resident responsibilities that you spoke of
 18 earlier?
 19 DR. WEINFELD: Why don't we
 20 specifically ask what you're going to
 21 ask, we covered this.
 22 Q Basically does Chief Resident
 23 have supervisory roles?
 24 A In a broad overarching sense,
 25 yes.

42 (Pages 162 to 165)

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1 LEENA VARUGHESE
2 Q But not in the sense that if a
3 resident is sick or not able to perform their
4 duty they are going to cover or help them, or
5 any given day?
6 A They either help to organize
7 coverage or they cover if they can't find
8 people and I have covered people who called out
9 sick, if necessary.
10 Q Let's say for the first two
11 weeks there are residents, it's the first year
12 residents are on service, who is helping them
13 manage?
14 A The other senior residents.
15 Q Not a Chief Resident?
16 A No, because no one is there.
17 DR. LEITER: What's the point of
18 the question?
19 DR. VARUGHESE: I am just saying
20 they say that they are delegating
21 responsibilities and acting in
22 supervisory positions over the
23 residents, but then here we are, there
24 is nobody present.
25 DR. ROCCO: What does that have

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1 LEENA VARUGHESE
2 to do with you?
3 DR. VARUGHESE: It just has to do
4 with the fact that we don't have a
5 resident who should be supervising or
6 on-site, acknowledgment of the policies
7 were not due until the 15th and here we
8 have somebody who is e-mailing saying
9 that these are the new policies, I
10 cannot even speak to her, she's not
11 there, her pager is not working.
12 I don't know, it just seems just
13 to --
14 DR. BRONHEIM: Can we safe this
15 for your own presentation, because it's
16 not really a question.
17 DR. WEINFELD: You will have a
18 chance to make whatever comments you
19 want to make about anything so we can
20 get through the witnesses and then go
21 forward.
22 Q So one final question, I mean
23 this is just going to go back to the fellow who
24 was to present on the 15th who didn't present
25 on the 15th.

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1 LEENA VARUGHESE
2 So you don't know when he
3 decided that he couldn't present on the 15th?
4 A I don't.
5 Q Do you know if he was at the
6 conference that day?
7 A No, I was at the Dean's office.
8 I wasn't there.
9 DR. VARUGHESE: Thank you.
10 DR. WEINFELD: Any further
11 questions?
12 Thank you.
13
14 P A T L E N T O, called as a witness,
15 having been first duly sworn by the Notary
16 Public, was examined and testified as
17 follows:
18
19 DIRECT EXAMINATION BY DR. FIRPA:
20
21 Q Dr. Lento, would you state your
22 employer?
23 A Mount Sinai Medical Center.
24 Q And your title?
25 A Excuse me?

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1 LEENA VARUGHESE
2 Q Your job title?
3 A I am currently residency program
4 director, autopsy director and cardiovascular
5 pathologist.
6 Q What are your job duties as
7 program director of pathology residency?
8 A Oversee the program with regard
9 to the education of residents in all four years
10 of the pathology program.
11 Q For how long and have you known
12 Dr. Varughese?
13 A Since she was a PGY 1 resident.
14 Q Could you describe to us your
15 relationship with her?
16 A Well, she's a resident in the
17 program, so I have had the opportunity to deal
18 with her directly with regard to patient
19 specimens, autopsies, surgical specimens, and
20 in addition as program director with regard to
21 more recently disciplinary actions, et cetera.
22 Q What is the nature of her
23 response to you, to your pages, to calls and to
24 efforts to contact and requesting actions
25 related to her performance?

43 (Pages 166 to 169)

<p style="text-align: right;">Page 170</p> <p>1 LEENA VARUGHESE</p> <p>2 A Well, one of the difficulties</p> <p>3 that I have had with Leena is she virtually</p> <p>4 never responded to my pages and infrequently</p> <p>5 responded to my e-mails.</p> <p>6 DR. BRONHEIM: Over what period</p> <p>7 of time?</p> <p>8 THE WITNESS: In general, I would</p> <p>9 say that one of the problems that I have</p> <p>10 had with, personally with Leena is that</p> <p>11 she hasn't responded to pages over a</p> <p>12 number of years.</p> <p>13 DR. MARIN: This is not a new</p> <p>14 problem it's something that's been</p> <p>15 present for --</p> <p>16 THE WITNESS: No, it's not a new</p> <p>17 problem at all.</p> <p>18 Q Have in any way, shape or form</p> <p>19 this affected her capacity to perform in</p> <p>20 regards to the other residents and her duties</p> <p>21 as part of the rotations to which she is</p> <p>22 assigned?</p> <p>23 A In terms of anything</p> <p>24 specifically?</p> <p>25 Q Yes.</p>	<p style="text-align: right;">Page 172</p> <p>1 LEENA VARUGHESE</p> <p>2 Department had developed.</p> <p>3 She was first in line from that</p> <p>4 standpoint and the Chief Residents were unable</p> <p>5 to reach her.</p> <p>6 They let me know they were not</p> <p>7 able to reach her, so I did try to reach out to</p> <p>8 her myself.</p> <p>9 I believe initially I tried to</p> <p>10 send her an e-mail, but she did not respond, I</p> <p>11 did try to Page her, but I did not receive a</p> <p>12 response.</p> <p>13 Subsequently I contacted her</p> <p>14 directly at the rotation that she was on which</p> <p>15 was the cytogenetics rotation, and I don't</p> <p>16 believe she responded to my initial page, so I</p> <p>17 spoke directly to the site director Dr. Najfeld</p> <p>18 and let her know I needed to speak directly to</p> <p>19 Leena.</p> <p>20 And at that point I was able to</p> <p>21 speak to Leena, she put her on the phone, I</p> <p>22 explained to Leena the situation about the need</p> <p>23 for her to cover.</p> <p>24 She was resistant at first, I</p> <p>25 explained to her that this was her job, her</p>
<p style="text-align: right;">Page 171</p> <p>1 LEENA VARUGHESE</p> <p>2 A With regard to her pages.</p> <p>3 Q Your inability to establish</p> <p>4 contact with her, has it affected in any way</p> <p>5 the quality of the service and the performance</p> <p>6 of the other resident's service?</p> <p>7 A I understand.</p> <p>8 Well, in particular with regard</p> <p>9 to an incident with regard to coverage when we</p> <p>10 had the resident who was out, I tried to reach</p> <p>11 Leena by paging her and was unsuccessful, but</p> <p>12 this occurred after others had truly tried to</p> <p>13 reach her for this same coverage issue.</p> <p>14 Q Could you refer to the issue of</p> <p>15 coverage requested of her on August 12th?</p> <p>16 A Is that the incident on a</p> <p>17 Friday?</p> <p>18 Q The one regarding coverage for</p> <p>19 the surgical pathology service due to the</p> <p>20 illness of one of the residents.</p> <p>21 A If I remember correctly this was</p> <p>22 while Leena was on cytogenetics?</p> <p>23 Q Correct.</p> <p>24 A Leena was expected to cover the</p> <p>25 surgical pathology based on the policy that the</p>	<p style="text-align: right;">Page 173</p> <p>1 LEENA VARUGHESE</p> <p>2 duty, she was required to do it based on our</p> <p>3 policy.</p> <p>4 It was a fair policy and that</p> <p>5 she then would need to cover the service that</p> <p>6 day.</p> <p>7 I think this was in the morning</p> <p>8 probably around 10:00 or so, she did tell me at</p> <p>9 that time that she would cover.</p> <p>10 I indicated to her that she</p> <p>11 needed to let the Chief Residents know that she</p> <p>12 was going to be covering, that they were</p> <p>13 overseeing the process and that I was only</p> <p>14 serving, essentially, as an intermediary to get</p> <p>15 this actually covered.</p> <p>16 And I left it at that.</p> <p>17 She did cover, she did go to</p> <p>18 cover, I think it was frozen sections actually</p> <p>19 that afternoon, but she did not contact the</p> <p>20 Chief Residents and let them know that she</p> <p>21 would be doing it.</p> <p>22 Q Okay.</p> <p>23 What was your involvement in her</p> <p>24 persistent request to change her electives in</p> <p>25 gastrointestinal pathology and switch to derma</p>

44 (Pages 170 to 173)

<p style="text-align: right;">Page 174</p> <p>1 LEENA VARUGHESE</p> <p>2 pathology?</p> <p>3 A So that was in regard to this</p> <p>4 year's schedule.</p> <p>5 Q Yes, sir.</p> <p>6 A Leena had been assigned to GI in</p> <p>7 I believe it's October, and she had requested a</p> <p>8 change, this was a rotation actually that she</p> <p>9 had originally requested, so we offered to the</p> <p>10 residents certain opportunities, I will call</p> <p>11 them electives, this was one that Leena had</p> <p>12 opted to choose on her own.</p> <p>13 These selections are made to the</p> <p>14 Chief Residents in advance of the schedule</p> <p>15 being made, the schedule is then made and</p> <p>16 residents have an opportunity in advance of the</p> <p>17 schedule to come out to potentially make</p> <p>18 alteration or question certain things, et</p> <p>19 cetera.</p> <p>20 That wasn't done initially, it</p> <p>21 was only subsequent to the schedule coming out,</p> <p>22 at which point the residents, including Leena,</p> <p>23 were aware that we were not going to make</p> <p>24 schedule changes unless there was a very</p> <p>25 significant reason to do so.</p>	<p style="text-align: right;">Page 176</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Did Dr. Varughese provide a</p> <p>3 reason for her insistence to be allowed to</p> <p>4 proceed with this change?</p> <p>5 A I believe she was interested in</p> <p>6 switching with dermopath, I don't recall a</p> <p>7 specific reason why she wanted to switch to</p> <p>8 dermopath.</p> <p>9 Q Was her request granted,</p> <p>10 discussed, approved?</p> <p>11 A It was denied.</p> <p>12 Q Why was it denied?</p> <p>13 A Because I didn't think that she</p> <p>14 had an appropriate rationale for why she wanted</p> <p>15 to change the rotation.</p> <p>16 Q Did you at any time communicate</p> <p>17 with Dr. Norman Harpaz regarding her direct</p> <p>18 request to change her elective after being told</p> <p>19 it had been denied?</p> <p>20 A I don't remember speaking with</p> <p>21 Norm directly after that.</p> <p>22 Q Had you had any communications</p> <p>23 with him over this issue, e-mails or whatever?</p> <p>24 A I don't recall.</p> <p>25 Q Who is Dr. Harpaz?</p>
<p style="text-align: right;">Page 175</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Would you explain the</p> <p>3 circumstances under which a resident is allowed</p> <p>4 to change an elective?</p> <p>5 A Well, I guess if there is a</p> <p>6 death in the family or an illness, if there is</p> <p>7 extenuating circumstances that might require a</p> <p>8 resident to have a schedule change.</p> <p>9 Q How frequently are requests to</p> <p>10 change electives made by a resident honored?</p> <p>11 A I don't have a statistic on how</p> <p>12 frequently they are.</p> <p>13 Q In your opinion.</p> <p>14 A Infrequently.</p> <p>15 Q Why are they he so infrequent?</p> <p>16 A Well, because any one particular</p> <p>17 person's schedule can affect other people's</p> <p>18 schedules.</p> <p>19 So, it has, in a sense, a ripple</p> <p>20 effect on things that can happen throughout the</p> <p>21 scheduling.</p> <p>22 You can't simply take one</p> <p>23 resident off a particular rotation without</p> <p>24 having someone fill in that particular</p> <p>25 rotation.</p>	<p style="text-align: right;">Page 177</p> <p>1 LEENA VARUGHESE</p> <p>2 A He's the director of</p> <p>3 gastrointestinal pathology.</p> <p>4 Q Would you refer to Exhibit 13 in</p> <p>5 the small book, Department's Exhibit 13.</p> <p>6 Would you briefly summarize what</p> <p>7 they represent?</p> <p>8 A I'm looking at an e-mail that I</p> <p>9 sent to Norm about the switch.</p> <p>10 And at this bottom e-mail I</p> <p>11 indicated that Leena had made a request, she</p> <p>12 had not done GI in the past, but had already</p> <p>13 done dermopath and in addition the Chief</p> <p>14 Residents had spoken with Dr. Phelps who was</p> <p>15 the director of dermatopathology.</p> <p>16 He was gracious enough to</p> <p>17 indicate that Leena was welcome to join him in</p> <p>18 the sign-out early before the GI rotation, so</p> <p>19 if she was interested in gaining additional</p> <p>20 dermatopathology exposure she could do so</p> <p>21 before the start of the GI rotation.</p> <p>22 Q Would you refer to the first</p> <p>23 e-mail on that page, please?</p> <p>24 A The top e-mail?</p> <p>25 Q Yes -- the bottom.</p>

45 (Pages 174 to 177)

<p style="text-align: right;">Page 178</p> <p>1 LEENA VARUGHESE</p> <p>2 A The one that starts Dear Chiefs?</p> <p>3 Q Yes.</p> <p>4 A So this is an e-mail from Norman</p> <p>5 Harpaz.</p> <p>6 DR. WEINFELD: What's the</p> <p>7 question?</p> <p>8 Q Does that refresh your memory</p> <p>9 about this incident when she approached him</p> <p>10 directly and led him to request to notify</p> <p>11 everybody else about the procedure and</p> <p>12 instructed her to proceed as she had been</p> <p>13 repeatedly indicated to do?</p> <p>14 A Right. Well, apparently that's</p> <p>15 obviously the e-mails, I don't recall directly</p> <p>16 without the information in front of me.</p> <p>17 Q Are you aware of the issues</p> <p>18 related to her failure to meet the required 80</p> <p>19 percent attendance to the core conferences?</p> <p>20 A Yes, Leena and occasional other</p> <p>21 residents have failed to meet the 80 percent</p> <p>22 attendance requirement.</p> <p>23 As a result, Leena was asked to</p> <p>24 provide an educational lecture that would cover</p> <p>25 some of the material that was missed during her</p>	<p style="text-align: right;">Page 180</p> <p>1 LEENA VARUGHESE</p> <p>2 Thursday morning conference.</p> <p>3 Our Thursday morning conferences</p> <p>4 essentially are grand rounds, residents present</p> <p>5 every week or every other week various cases,</p> <p>6 et cetera, so it was the perfect venue for</p> <p>7 Leena to do something like provide this</p> <p>8 educational conference.</p> <p>9 On the particular day Leena was</p> <p>10 well aware that she was expected to give a</p> <p>11 conference on that day, I was present and Leena</p> <p>12 came in about 15 or 20 minutes late while the</p> <p>13 first person was giving their presentation.</p> <p>14 She sat down right in front of</p> <p>15 me, she didn't acknowledge anybody, she didn't</p> <p>16 say hello.</p> <p>17 She sat there for about 10</p> <p>18 minutes and as the presenter was finishing up,</p> <p>19 Leena just got up and left.</p> <p>20 I was personally surprised</p> <p>21 because I was under the expectation that she</p> <p>22 was going to be giving a lecture but she</p> <p>23 didn't.</p> <p>24 I didn't know why she decided to</p> <p>25 just leave.</p>
<p style="text-align: right;">Page 179</p> <p>1 LEENA VARUGHESE</p> <p>2 absences.</p> <p>3 Based on the policy that we had</p> <p>4 designed we had tried to set something up so</p> <p>5 that even if the resident had been absent they</p> <p>6 would still be able to make up the material</p> <p>7 from an educational standpoint.</p> <p>8 Q Were you aware of the events</p> <p>9 that took place on September 15 during the</p> <p>10 weekly residents pathology conference that she</p> <p>11 was supposed to present after being absent for</p> <p>12 two days because of illness?</p> <p>13 A Is September 15th a Thursday?</p> <p>14 Q Yes.</p> <p>15 A So, Leena had been asked to</p> <p>16 provide an educational lecture, again, to make</p> <p>17 up for some of the material she had missed</p> <p>18 during her absences.</p> <p>19 I believe that the Thursday in</p> <p>20 question that you raise was an alternate day.</p> <p>21 Originally Leena was asked to</p> <p>22 provide the lecture on another day, and I</p> <p>23 believe that she did not present on the initial</p> <p>24 date.</p> <p>25 The subsequent date was the</p>	<p style="text-align: right;">Page 181</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Did you receive an e-mail from</p> <p>3 Dr. Ara Blejwas regarding her conduct at that</p> <p>4 conference?</p> <p>5 A I may have.</p> <p>6 I know we certainly talked about</p> <p>7 it.</p> <p>8 Q Would you refer to Exhibit 12,</p> <p>9 Department's Exhibit 12.</p> <p>10 A So he basically summarized the</p> <p>11 situation, I think as I have already explained.</p> <p>12 Q So would you say it was fair</p> <p>13 that she must have been aware that she was</p> <p>14 expected to present on that morning since so</p> <p>15 many of you expected her presentation to take</p> <p>16 place?</p> <p>17 A Oh, I think there was no</p> <p>18 question that she was aware.</p> <p>19 Q Did you have any e-mail</p> <p>20 communications with me regarding her conduct at</p> <p>21 this conference?</p> <p>22 A I don't recall, I may have.</p> <p>23 Q Would you refer to Department</p> <p>24 Exhibit 11.</p> <p>25 A So, again, my e-mail basically</p>

46 (Pages 178 to 181)

<p style="text-align: right;">Page 182</p> <p>1 LEENA VARUGHESE</p> <p>2 summarized what I've already described.</p> <p>3 Q Did you meet with Dr. Varughese</p> <p>4 regarding the other residents' concern about</p> <p>5 her conduct and behavior at any time?</p> <p>6 A During the academic year?</p> <p>7 Q In this last weeks leading to</p> <p>8 September 15th.</p> <p>9 A No, I did not.</p> <p>10 DR. FIRPA: No further questions.</p> <p>11 DR. WEINFELD: Dr. Varughese.</p> <p>12</p> <p>13 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>14</p> <p>15 Q So, was there a fellow who was</p> <p>16 supposed to present on Thursday morning?</p> <p>17 Who were the fellows, who were</p> <p>18 the two people that were supposed to present</p> <p>19 that morning?</p> <p>20 A Oh, I don't recall, it's not</p> <p>21 always two people, necessarily, sometimes it's</p> <p>22 just one person, and I believe I could be</p> <p>23 mistaken that there was an open slot, in other</p> <p>24 words there was one person scheduled for that</p> <p>25 day, and you were provided the second slot in</p>	<p style="text-align: right;">Page 184</p> <p>1 LEENA VARUGHESE</p> <p>2 always followed up with you regarding any</p> <p>3 autopsy case, any given issues that come up,</p> <p>4 have I not?</p> <p>5 A Well, if you are talking about</p> <p>6 call in particular, in general the contact</p> <p>7 would have been initiated by you contacting me</p> <p>8 about a case on the weekend, which is a little</p> <p>9 bit different than me trying to reach out to</p> <p>10 you.</p> <p>11 Q Well, there are actually</p> <p>12 instances where you have actually reached out</p> <p>13 to me before.</p> <p>14 DR. WEINFELD: Is there a</p> <p>15 question you want to ask him?</p> <p>16 Q I am saying there at least has</p> <p>17 been one or several instances where you reached</p> <p>18 out to me on a case that may or may not come in</p> <p>19 because you are the director of autopsies here.</p> <p>20 A Um-hum.</p> <p>21 Q And I have responded to you</p> <p>22 immediately, have I not?</p> <p>23 A I didn't say that you never</p> <p>24 responded to my pages, but you have a habit of</p> <p>25 not responding.</p>
<p style="text-align: right;">Page 183</p> <p>1 LEENA VARUGHESE</p> <p>2 order to provide your educational lecture.</p> <p>3 Q So, you have said that I have</p> <p>4 not responded to your pages. Can you give me</p> <p>5 an example, I mean you say that I didn't</p> <p>6 respond to your pages when you wanted me to</p> <p>7 cover on August 12th.</p> <p>8 A Right, yes; that's true, Leena.</p> <p>9 Q But is it possible that I didn't</p> <p>10 get the page that day.</p> <p>11 I mean I don't think I got that</p> <p>12 page.</p> <p>13 A I find it hard to believe that</p> <p>14 you wouldn't have received my pages. You</p> <p>15 haven't responded to other pages that I have</p> <p>16 sent out to you in the past.</p> <p>17 And you've taken the opportunity</p> <p>18 not to respond to e-mails that I have sent out</p> <p>19 to you.</p> <p>20 Not all the time, but it's a</p> <p>21 pattern, as far as I'm concerned.</p> <p>22 Q Well, how about this, how about</p> <p>23 like we have been on call on weekends, on</p> <p>24 autopsy call, I've never been on surgical</p> <p>25 pathology call with you, but have I -- I have</p>	<p style="text-align: right;">Page 185</p> <p>1 LEENA VARUGHESE</p> <p>2 Q I believe that's not true.</p> <p>3 DR. BRONHEIM: Maybe I can help.</p> <p>4 Q That's a misstatement that you</p> <p>5 are making?</p> <p>6 DR. BRONHEIM: Maybe I can help.</p> <p>7 Outside of call, what percent of e-mails</p> <p>8 and pages do you think Dr. Varughese has</p> <p>9 not responded to, rough estimate?</p> <p>10 THE WITNESS: Over the entire</p> <p>11 residency?</p> <p>12 DR. BRONHEIM: Yeah.</p> <p>13 THE WITNESS: That's kind of a</p> <p>14 hard one to estimate.</p> <p>15 DR. MARIN: Take the past year.</p> <p>16 THE WITNESS: Well, the past year</p> <p>17 is potentially problematic, but I would</p> <p>18 say that Leena has taken the opportunity</p> <p>19 not just to not answer my pages, I can't</p> <p>20 remember a single page of mine that</p> <p>21 Leena has answered this year.</p> <p>22 E-mails are haphazard.</p> <p>23 DR. MARIN: Thank you.</p> <p>24 Q Do you have my pager?</p> <p>25 A On me?</p>

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<p style="text-align: right;">Page 186</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. WEINFELD: His number.</p> <p>3 A I have access.</p> <p>4 Q Do you have access to my number?</p> <p>5 A Of course, it's on my bulletin</p> <p>6 board in my office.</p> <p>7 Q So, you said that you denied</p> <p>8 every request for the GI elective?</p> <p>9 A Um-hum.</p> <p>10 Q Were you the one who denied the</p> <p>11 request or was it Dr. Firpa? I'm confused?</p> <p>12 A Well, we, Dr. Firpa and I.</p> <p>13 Q Your title is you are the</p> <p>14 program director.</p> <p>15 A Yes.</p> <p>16 Q And Dr. Firpa's title?</p> <p>17 DR. WEINFELD: Let him answer the</p> <p>18 question.</p> <p>19 A I am the program director, Dr.</p> <p>20 Firpa is the educational director, starting</p> <p>21 since July 1st, and Dr. Firpa and I</p> <p>22 confirmed -- confer on a number of issues</p> <p>23 regarding the residents as a whole.</p> <p>24 Q So Dr. Firpa is director of</p> <p>25 educational activities, Dr. Firpa is the</p>	<p style="text-align: right;">Page 188</p> <p>1 LEENA VARUGHESE</p> <p>2 to exhibit from me Exhibit number 19.</p> <p>3 DR. WEINFELD: We are there, go</p> <p>4 ahead.</p> <p>5 Q So that basically shows a list</p> <p>6 of elective rotation requests for me for the</p> <p>7 entire following year, GI is in fact there, but</p> <p>8 there are also other rotations that I was</p> <p>9 interested I was not --</p> <p>10 DR. WEINFELD: So what's the</p> <p>11 question?</p> <p>12 Q If the point is that because I</p> <p>13 requested GI I was given that and not given</p> <p>14 maybe like an elective pathology in bone and</p> <p>15 soft tissue.</p> <p>16 DR. WEINFELD: So what's the</p> <p>17 question?</p> <p>18 DR. VARUGHESE: I had made other</p> <p>19 requests that wasn't granted.</p> <p>20 DR. WEINFELD: I am still waiting</p> <p>21 for a question.</p> <p>22 DR. VARUGHESE: I would also like</p> <p>23 you to refer to a different exhibit.</p> <p>24 MR. McEVOY: Can I ask a</p> <p>25 question, I'm not sure what this exhibit</p>
<p style="text-align: right;">Page 187</p> <p>1 LEENA VARUGHESE</p> <p>2 director of educational activities?</p> <p>3 A Yes.</p> <p>4 Q So I made the request to him on</p> <p>5 August 2nd and then he subsequently informed</p> <p>6 you at some point to deny my request or --</p> <p>7 A We discussed the request, the</p> <p>8 rationale potentially for having it.</p> <p>9 And the decision was made that</p> <p>10 we were going to deny it.</p> <p>11 Q When was this decision made?</p> <p>12 A I don't recall the specific day</p> <p>13 in advance of the elective we made the decision</p> <p>14 to deny the switch.</p> <p>15 Q I would like --</p> <p>16 A And that was obviously</p> <p>17 communicated to you.</p> <p>18 But you knew in advance that we</p> <p>19 were basically not going to permit switches</p> <p>20 once the year had begun unless there was</p> <p>21 significant extenuating circumstances.</p> <p>22 In this particular situation,</p> <p>23 you had requested the GI elective, and then</p> <p>24 wanted to switch it to something else.</p> <p>25 Q Actually I would like to refer</p>	<p style="text-align: right;">Page 189</p> <p>1 LEENA VARUGHESE</p> <p>2 is, 19, I mean is this something that</p> <p>3 Dr. Varughese created for this hearing,</p> <p>4 is it some official --</p> <p>5 DR. WEINFELD: Could you tell us</p> <p>6 what it is?</p> <p>7 Go ahead, tell us what this is.</p> <p>8 DR. VARUGHESE: This is actually</p> <p>9 a form that's given to every resident in</p> <p>10 the program that's already there, and</p> <p>11 you get to list what you would like to</p> <p>12 take next year.</p> <p>13 You can say you want to take GI</p> <p>14 elective, elective of the month, you can</p> <p>15 can say I want to do hemopath several</p> <p>16 months, maybe, whatever.</p> <p>17 DR. WEINFELD: So what's the</p> <p>18 question relating to this?</p> <p>19 DR. VARUGHESE: It's just that I</p> <p>20 had requested -- I just want to note</p> <p>21 that I had requested other electives</p> <p>22 other than GI.</p> <p>23 DR. WEINFELD: You will have an</p> <p>24 opportunity.</p> <p>25 DR. MARIN: Thank you.</p>

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<p style="text-align: right;">Page 190</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. VARUGHESE: Okay, next.</p> <p>3 Q The next exhibit I would like</p> <p>4 you to look at it is --</p> <p>5 DR. MARIN: Do you need the</p> <p>6 witness any more?</p> <p>7 DR. VARUGHESE: I do, actually.</p> <p>8 DR. MARIN: Can you direct the</p> <p>9 questions to him and then come to your</p> <p>10 exhibits.</p> <p>11 DR. VARUGHESE: Yes.</p> <p>12 Q Dr. Lento, do you recall</p> <p>13 e-mailing me that you had ended academic</p> <p>14 advisement?</p> <p>15 Period of academic advisement</p> <p>16 has ended?</p> <p>17 A Yes, I e-mailed you that the</p> <p>18 period of the advisement had ended, that's</p> <p>19 correct, and I wanted to meet with you to</p> <p>20 discuss it, that's correct.</p> <p>21 I think you misinterpreted it.</p> <p>22 Q But according to the academic</p> <p>23 advisement, which is exhibit -- it's in the</p> <p>24 Department's Exhibit list.</p> <p>25 DR. WEINFELD: Can you guys help</p>	<p style="text-align: right;">Page 192</p> <p>1 LEENA VARUGHESE</p> <p>2 Q So did you determine that my</p> <p>3 period of academic advisement had ended without</p> <p>4 actually ensuring that I had met all the</p> <p>5 requirements?</p> <p>6 A If you note here in follow-up,</p> <p>7 we will meet again in three months to review</p> <p>8 your progress.</p> <p>9 So basically at that point it</p> <p>10 was around March when the period designed for</p> <p>11 your academic advisement would have ended, but</p> <p>12 we were to review your progress to determine</p> <p>13 whether or not we would have to proceed with</p> <p>14 any further disciplinary actions, or if you had</p> <p>15 satisfied the criteria that we had laid down in</p> <p>16 the academic advisement.</p> <p>17 Then we may have taken you off</p> <p>18 the disciplinary action and you could have</p> <p>19 proceeded as other residents would have.</p> <p>20 Q Okay, but you didn't try to</p> <p>21 figure out if I had met all the requirements?</p> <p>22 A You hadn't met all the</p> <p>23 requirements.</p> <p>24 Q Until April 26th.</p> <p>25 A No, you had not met the</p>
<p style="text-align: right;">Page 191</p> <p>1 LEENA VARUGHESE</p> <p>2 us with this, which one is that?</p> <p>3 DR. FIRPA: Number 3.</p> <p>4 Department's Exhibit 3.</p> <p>5 MR. McEVOY: That's the academic</p> <p>6 advisement.</p> <p>7 DR. WEINFELD: Right.</p> <p>8 DR. WEINFELD: Do you want to ask</p> <p>9 a question?</p> <p>10 Q Yes, according to this it just</p> <p>11 states that this is dependent on have I</p> <p>12 performed an academic advisement not</p> <p>13 necessarily, so if he entered the period of</p> <p>14 academic advisement without noting how I had</p> <p>15 performed during the academic advisement</p> <p>16 period, I don't understand why Dr. Lento would</p> <p>17 make the statement that the period of academic</p> <p>18 advisement had ended when, in fact, he hadn't</p> <p>19 determined or deemed that and academic</p> <p>20 advisement can --</p> <p>21 DR. WEINFELD: So the question</p> <p>22 is?</p> <p>23 Just form it in a question. It</p> <p>24 sounds like there is a question there, so</p> <p>25 go ahead and ask it.</p>	<p style="text-align: right;">Page 193</p> <p>1 LEENA VARUGHESE</p> <p>2 requirements.</p> <p>3 DR. WEINFELD: Did the meeting</p> <p>4 take place, was there a meeting that</p> <p>5 took place?</p> <p>6 THE WITNESS: No, she basically</p> <p>7 did not meet with me, she did not</p> <p>8 respond to my e-mail, it wasn't until I</p> <p>9 reached out to our Chair,, Dr.</p> <p>10 Cordone-Cardo.</p> <p>11 DR. VARUGHESE: That's not</p> <p>12 actually right, my Exhibit 12 shows that</p> <p>13 I did respond to Dr. Lento the following</p> <p>14 day, in fact.</p> <p>15 DR. WEINFELD: One second.</p> <p>16 DR. VARUGHESE: I also spoke to</p> <p>17 him, I know.</p> <p>18 DR. WEINFELD: Let's go to 12,</p> <p>19 hold on.</p> <p>20 DR. WEINFELD: Big book number</p> <p>21 12. In Exhibit 12 there is one e-mail</p> <p>22 in there dated May 3rd.</p> <p>23 DR. VARUGHESE: Well, the second,</p> <p>24 it's a string e-mail string so on April</p> <p>25 27 I say okay, I actually spoke to Dr.</p>

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<p style="text-align: right;">Page 194</p> <p>1 LEENA VARUGHESE</p> <p>2 Lento as well and he said okay, did you</p> <p>3 get me my e-mail?</p> <p>4 What's going on?</p> <p>5 I said yes, I got your e-mail, okay</p> <p>6 I will meet with you. Let me know when we</p> <p>7 need to meet and --</p> <p>8 THE WITNESS: I believe that was</p> <p>9 after Dr. Cordone-Cardo had already</p> <p>10 reached out to you as Chairman.</p> <p>11 DR. VARUGHESE: He reached out to</p> <p>12 me, when did he reach out to? Me I</p> <p>13 don't have that.</p> <p>14 Q Do you have that e-mail?</p> <p>15 DR. CORDONE-CARDO: I reached out</p> <p>16 to you as soon as I arrived in the</p> <p>17 program. In our first meeting was on</p> <p>18 May 3rd.</p> <p>19 DR. VARUGHESE: When did you</p> <p>20 arrive at the program?</p> <p>21 DR. CORDONE-CARDO: April 1st, so</p> <p>22 my first week of acting as the new Chair</p> <p>23 I already reached out to you and</p> <p>24 actually was the case it the including</p> <p>25 because I was worried about many</p>	<p style="text-align: right;">Page 196</p> <p>1 LEENA VARUGHESE</p> <p>2 by either of you?</p> <p>3 DR. MARIN: Question?</p> <p>4 Q Did you inform me of that? You</p> <p>5 didn't inform me of that?</p> <p>6 A I did not, that was not</p> <p>7 something --</p> <p>8 DR. WEINFELD: We have one</p> <p>9 question, actually, you want to ask it.</p> <p>10 DR. BRONHEIM: Dr. Lento, going</p> <p>11 back to notice of advisement in the</p> <p>12 Department's Exhibit binder, Exhibit 3,</p> <p>13 it says Dear Leena, this letter is to</p> <p>14 inform you, you are being placed on</p> <p>15 academic advisement. This decision is</p> <p>16 based on investigation of your</p> <p>17 altercations with other residents while</p> <p>18 on the surgical pathology rotation</p> <p>19 December 8 and December 10, 2010.</p> <p>20 THE WITNESS: Yes.</p> <p>21 DR. BRONHEIM: Do you remember</p> <p>22 what those altercations were about?</p> <p>23 THE WITNESS: Yes, I can briefly</p> <p>24 summarize it for you. I was actually</p> <p>25 away at the time at a meeting, and Leena</p>
<p style="text-align: right;">Page 195</p> <p>1 LEENA VARUGHESE</p> <p>2 circumstances.</p> <p>3 My time will come to answer the</p> <p>4 questions and the first time we met was on</p> <p>5 May 3rd.</p> <p>6 DR. WEINFELD: Any other</p> <p>7 questions for this witness?</p> <p>8 Q Are you aware that I wasn't --</p> <p>9 you never spoke to me or Dr. Firpa did not</p> <p>10 inform me that if I was interested in</p> <p>11 dermatopathology I can attend the sign-outs in</p> <p>12 the morning, or you had cleared that with Dr.</p> <p>13 Phelps.</p> <p>14 Did you clear that with Dr.</p> <p>15 Phelps? It seemed from this conversation with</p> <p>16 this question and answer session that took</p> <p>17 place, it seems that you had already discussed</p> <p>18 this with Dr. Phelps and that I was able to</p> <p>19 attend sign-out if I wanted to?</p> <p>20 A I did not have that direct</p> <p>21 conversation.</p> <p>22 Q But it seems that you were aware</p> <p>23 that I could do that if I wanted to?</p> <p>24 A Yes.</p> <p>25 Q But I was not informed of that,</p>	<p style="text-align: right;">Page 197</p> <p>1 LEENA VARUGHESE</p> <p>2 was in an altercation with one of our</p> <p>3 Chief Residents while shewas on the</p> <p>4 surgical pathology service.</p> <p>5 An altercation that was loud and</p> <p>6 disruptive to the service related to her</p> <p>7 ability to provide patient care with</p> <p>8 regard to very specific specimens that she</p> <p>9 was expected to be grossing or examine.</p> <p>10 DR. BRONHEIM: There are two</p> <p>11 dates, was it like one extended episode</p> <p>12 with a single Chief Resident?</p> <p>13 THE WITNESS: If I recall</p> <p>14 correctly the December 10th incident was</p> <p>15 related to another resident that she was</p> <p>16 blaming for having us caused all the</p> <p>17 problems that have basically resulted in</p> <p>18 her being essentially placed on academic</p> <p>19 advisement.</p> <p>20 DR. BRONHEIM: Thank you.</p> <p>21 DR. WEINFELD: Any further</p> <p>22 questions?</p> <p>23 Q Who was the other resident that</p> <p>24 I blamed?</p> <p>25 A Dr. Jordan.</p>

50 (Pages 194 to 197)

Page 198	Page 200
<p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: No further questions?</p> <p>3 DR. VARUGHESE: No, not at the</p> <p>4 moment.</p> <p>5 DR. WEINFELD: Thanks very much.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 DR. VARUGHESE: Actually can we</p> <p>8 bring Dr. Lento back?</p> <p>9 DR. WEINFELD: No, but in your</p> <p>10 statement you can address an issue if</p> <p>11 you need to address it.</p> <p>12</p> <p>13 SHEMA PATEL, called as a</p> <p>14 witness, having been first duly sworn by</p> <p>15 the Notary Public, was examined and</p> <p>16 testified as follows:</p> <p>17</p> <p>18 DR. WEINFELD: Okay.</p> <p>19</p> <p>20 DIRECT EXAMINATION BY DR. FIRPA:</p> <p>21</p> <p>22 Q Thank you, Ms. Patel.</p> <p>23 Who is your employer?</p> <p>24 A Mount Sinai Medical Center.</p> <p>25 Q What is your job title?</p>	<p>1 LEENA VARUGHESE</p> <p>2 I was supposed to meet her in the resident</p> <p>3 room, but she met me at the elevators and she</p> <p>4 took the folder from me.</p> <p>5 At that point I did not have any</p> <p>6 further discussions with her after that.</p> <p>7 Q Did you at any time emphasize to</p> <p>8 her the importance of having a doctor's</p> <p>9 appointment as part of her application?</p> <p>10 A Yes, I did.</p> <p>11 Q Did she agree to proceed with</p> <p>12 that request?</p> <p>13 A Yes, she said she was going to</p> <p>14 call her doctor and get back to me the next</p> <p>15 day.</p> <p>16 Q <u>On September 20th, you met with</u></p> <p>17 <u>Dr. Varughese ones again, were you aware that</u></p> <p>18 <u>she had requested a leave of absence by then?</u></p> <p>19 A No, I was not.</p> <p>20 Q Were you also aware that Dr.</p> <p>21 Varughese had been instructed not to come to</p> <p>22 work pending approval of her request for leave?</p> <p>23 A Yes, I was.</p> <p>24 Q How did you know that?</p> <p>25 A Yes, I did.</p>
Page 199	Page 201
<p>1 LEENA VARUGHESE</p> <p>2 A Currently I am interim</p> <p>3 department administrator for pathology.</p> <p>4 Q What are your job duties as</p> <p>5 administrator of the pathology department?</p> <p>6 A The day-to-day operation,</p> <p>7 financial, dealing with residents, employees,</p> <p>8 faculty.</p> <p>9 Q Do you recall on September 15</p> <p>10 meeting with me and Dr. Varughese following the</p> <p>11 incident early morning when she was considered</p> <p>12 to be unstable?</p> <p>13 A Um-hum.</p> <p>14 Q Did you remember, and can you</p> <p>15 relate to us what happened when you gave her</p> <p>16 information about her request for a leave of</p> <p>17 absence?</p> <p>18 A Sure. When we met with her we</p> <p>19 discussed FMLA, we talked to her about giving</p> <p>20 her papers later in the day to go she should</p> <p>21 meet with me to go over the FMLA paperwork, the</p> <p>22 designation form and such papers like that.</p> <p>23 Q Did you meet with her later on</p> <p>24 that day?</p> <p>25 A Yes, she met me on Annenberg 15,</p>	<p>1 LEENA VARUGHESE</p> <p>2 Q How did you know that?</p> <p>3 A Oh, how did I know that. You</p> <p>4 and I had discussed it with Karen Tiger and</p> <p>5 Paul Johnson the day before and it was</p> <p>6 instructed that she should not appear to work</p> <p>7 until we knew what the status of her FMLA was.</p> <p>8 Q Did you attempt to contact her</p> <p>9 on September 16th and 19th?</p> <p>10 A Yes, I did.</p> <p>11 Q Why?</p> <p>12 A Because we had not heard from</p> <p>13 her, she had not come to work and we were</p> <p>14 genuinely concerned about her well-being.</p> <p>15 Q Did she respond to any of your</p> <p>16 e-mails or phone calls?</p> <p>17 A No.</p> <p>18 Q On September 20th did you see</p> <p>19 her at or near Mount Sinai?</p> <p>20 A It was close to Mount Sinai,</p> <p>21 yes.</p> <p>22 Q Where and at what time?</p> <p>23 A It was a Starbucks at 97th and</p> <p>24 Lexington or 96th and Lexington.</p> <p>25 Q At what time?</p>

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<p style="text-align: right;">Page 202</p> <p>1 LEENA VARUGHESE</p> <p>2 A Around 8:00 a.m. a little before</p> <p>3 8:00 a.m.</p> <p>4 Q Did you speak to her?</p> <p>5 A As I was walking in I saw her</p> <p>6 and she approached me.</p> <p>7 Q What was the conversation about?</p> <p>8 A She had wanted to know about</p> <p>9 deferring her FMLA, she said she was feeling</p> <p>10 better and wanted to not take it at that time.</p> <p>11 Q Did she mention anything else</p> <p>12 about her intent of activity for that day?</p> <p>13 A She said she was headed to a</p> <p>14 conference but she wanted to know more about</p> <p>15 deferring her FMLA, so I knew that she</p> <p>16 shouldn't go to conference because the</p> <p>17 residents had concerns, the faculty had</p> <p>18 concerns, so I asked her to come with me to my</p> <p>19 office.</p> <p>20 Q What did you do then?</p> <p>21 A So we got there, we sat down and</p> <p>22 we started talking and then a visitor came in</p> <p>23 looking for the President.</p> <p>24 Q What happened then?</p> <p>25 A So I walked out to just point to</p>	<p style="text-align: right;">Page 204</p> <p>1 LEENA VARUGHESE</p> <p>2 I asked her again, it was like</p> <p>3 what are you doing, why were you going through</p> <p>4 my files?</p> <p>5 And she said what's the big</p> <p>6 deal? And I said how would you feel if someone</p> <p>7 went through your things.</p> <p>8 Your purse is sitting there, how</p> <p>9 would you feel if you caught me going through</p> <p>10 your purse?</p> <p>11 I said if I walked into your</p> <p>12 work station and was going through your work</p> <p>13 station how would you feel if I went through</p> <p>14 your things?</p> <p>15 I said my office is</p> <p>16 confidential, you know, I have files in my</p> <p>17 office that are confidential and you shouldn't</p> <p>18 go through them, it's unprofessional.</p> <p>19 She continued to say what's the</p> <p>20 big deal? She stated that I should chill out</p> <p>21 and it didn't phase her that it was wrong.</p> <p>22 DR. BRONHEIM: Could these have</p> <p>23 been confidential files?</p> <p>24 THE WITNESS: Yes, I work in the</p> <p>25 office of the President in my real job,</p>
<p style="text-align: right;">Page 203</p> <p>1 LEENA VARUGHESE</p> <p>2 where Dr. Davis' office was, came right back to</p> <p>3 my office and literally a few seconds and she</p> <p>4 was going through some of my files.</p> <p>5 DR. WEINFELD: On a computer, in</p> <p>6 a file cabinet?</p> <p>7 A No, there were files in my desk.</p> <p>8 There was a stack of files in the corner of my</p> <p>9 desk.</p> <p>10 DR. BRONHEIM: Can you describe</p> <p>11 what you observed?</p> <p>12 THE WITNESS: As I was walking in</p> <p>13 I saw her going through the files like</p> <p>14 this, looking at what was inside.</p> <p>15 DR. BRONHEIM: Were they other</p> <p>16 people's files or whose files were they?</p> <p>17 THE WITNESS: They were my files,</p> <p>18 like department files.</p> <p>19 Q What did you -- did you ask her</p> <p>20 what she was doing?</p> <p>21 A Yes, I asked her. I said Leena,</p> <p>22 what are you doing, why are you going through</p> <p>23 my files?</p> <p>24 And she kind of didn't say</p> <p>25 anything at first.</p>	<p style="text-align: right;">Page 205</p> <p>1 LEENA VARUGHESE</p> <p>2 yes.</p> <p>3 DR. FIRPA: No further questions.</p> <p>4 DR. WEINFELD: Dr. Varughese.</p> <p>5</p> <p>6 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>7</p> <p>8 Q So, you called me on Tuesday was</p> <p>9 it, September what was it, 20th? Or the 19th,</p> <p>10 you called me on the 19th.</p> <p>11 A Yes, I called you on the 16th</p> <p>12 and the 19th.</p> <p>13 Q So you called me on the 19th,</p> <p>14 why did you ask me to come to your office on</p> <p>15 the 19th?</p> <p>16 A I didn't ask you to come to my</p> <p>17 office on the 19th.</p> <p>18 Q You did. You called, you left a</p> <p>19 message, said you need to speak with me.</p> <p>20 A I asked you what the status of</p> <p>21 the FMLA was, but I asked you if you were able</p> <p>22 to speak to your physician to get the paperwork</p> <p>23 going because I wanted to help you.</p> <p>24 Q So let me rephrase the question,</p> <p>25 did I come to your office on the 19th, this is</p>

52 (Pages 202 to 205)

<p style="text-align: right;">Page 206</p> <p>1 LEENA VARUGHESE</p> <p>2 Monday?</p> <p>3 A I have to recall, was that the</p> <p>4 day you came to sign the designation form?</p> <p>5 Q Well, that was the day I came so</p> <p>6 that you can sign the designation form and gave</p> <p>7 it to you --</p> <p>8 A I believe the 19th, yes, you</p> <p>9 came.</p> <p>10 Q Because you needed a date</p> <p>11 verifying and the medical leave of absence</p> <p>12 form?</p> <p>13 A I believe what was the day? I</p> <p>14 don't recall, but I can check.</p> <p>15 Q That was the 19th?</p> <p>16 DR. WEINFELD: Move on.</p> <p>17 Q That was Monday afternoon,</p> <p>18 Monday evening like 4:30?</p> <p>19 A Okay.</p> <p>20 Q And Kimberly Joseph, she was</p> <p>21 there?</p> <p>22 A She was there to witness that.</p> <p>23 Q So essentially you didn't like</p> <p>24 date and sign these forms or anything up until</p> <p>25 then?</p>	<p style="text-align: right;">Page 208</p> <p>1 LEENA VARUGHESE</p> <p>2 form and do you mind dating it, so when after I</p> <p>3 have spoken to my doctor and they actually</p> <p>4 approve the family medical leave of absence?</p> <p>5 A We never talked about</p> <p>6 backdating.</p> <p>7 Q I did ask you --</p> <p>8 DR. MARIN: You can ask her the</p> <p>9 question. If she says no, you can't</p> <p>10 keep asking her. She has a right to say</p> <p>11 yes or no, yes or no.</p> <p>12 DR. VARUGHESE: All right.</p> <p>13 Q So I asked you that, if you</p> <p>14 could date the form to when after I have spoken</p> <p>15 to my doctors and then they will approve it,</p> <p>16 did I have that conversation with you?</p> <p>17 A No, we talked about -- you</p> <p>18 talked about deferring your FMLA.</p> <p>19 Q I didn't talk about deferring my</p> <p>20 FMLA?</p> <p>21 DR. MARIN: Remember, yes or no,</p> <p>22 you asked her, she said no, you go on to</p> <p>23 your next question.</p> <p>24 Q So the next question is but you</p> <p>25 at that point said where are you going?</p>
<p style="text-align: right;">Page 207</p> <p>1 LEENA VARUGHESE</p> <p>2 But you were supposed to have</p> <p>3 before you you gave them to me, right?</p> <p>4 A What do you mean?</p> <p>5 Q You were supposed to date and</p> <p>6 sign because you dated the forms for when, when</p> <p>7 you signed it?</p> <p>8 A Right, because remember we were</p> <p>9 supposed to meet and you met me at the elevator</p> <p>10 and you took the forms from me, I told you you</p> <p>11 should come sit down and meet with me so we can</p> <p>12 could designate the form.</p> <p>13 Q No, you didn't, you didn't say</p> <p>14 that to me.</p> <p>15 DR. WEINFELD: Where are you</p> <p>16 going with this? What's the question?</p> <p>17 Q So basically you backdated the</p> <p>18 form?</p> <p>19 A I didn't backdate it, I dated</p> <p>20 that day the 19th or whatever day it was.</p> <p>21 Q All right, so the following</p> <p>22 morning I saw you at Starbucks, right?</p> <p>23 A Yes.</p> <p>24 Q So I said hello to you just to</p> <p>25 be polite and I just said oh, you dated that</p>	<p style="text-align: right;">Page 209</p> <p>1 LEENA VARUGHESE</p> <p>2 A That is correct.</p> <p>3 Q And I said I'm going to the CP</p> <p>4 core conference, that's at 8:00 at the Icahn</p> <p>5 building, right?</p> <p>6 A Um-hum.</p> <p>7 Q And what did you say, you said</p> <p>8 you can't go to the floor, what did you -- you</p> <p>9 said I couldn't go to the floor?</p> <p>10 A I asked you if you can come with</p> <p>11 me, so I can put you in contact with Karen</p> <p>12 Tiger to talk more about the FMLA.</p> <p>13 Q Why did I need to talk more</p> <p>14 about the FMLA at that point?</p> <p>15 A Because you approached me in</p> <p>16 Starbucks and you had questions about it.</p> <p>17 Q I just had a minor question</p> <p>18 about dating issues, but then in terms of</p> <p>19 dating the form to when I actually take the</p> <p>20 leave, because obviously from that day onward</p> <p>21 is when the FMLA is in effect.</p> <p>22 So you told me that I couldn't</p> <p>23 go to the floor and you asked me to come to</p> <p>24 your office?</p> <p>25 DR. WEINFELD: Is there a</p>

53 (Pages 206 to 209)

<p style="text-align: right;">Page 210</p> <p>1 LEENA VARUGHESE</p> <p>2 question?</p> <p>3 Q Yes.</p> <p>4 A Yes.</p> <p>5 Q So when I was in the office,</p> <p>6 what were you doing, you were calling, who were</p> <p>7 you calling?</p> <p>8 A I didn't make a phone call, I</p> <p>9 e-mailed Karen Tiger and Dr. Firpa to let them</p> <p>10 know you were here.</p> <p>11 Q So, did Dr. Firpa come</p> <p>12 downstairs to your office that morning?</p> <p>13 A He did, yes.</p> <p>14 Q This was before 9:00 a.m.?</p> <p>15 A I believe so, yes.</p> <p>16 Q So meanwhile I was telling you</p> <p>17 that I wanted to go to the CP core conference</p> <p>18 because I was not sick, right?</p> <p>19 A I don't recall actually, to be</p> <p>20 honest with you.</p> <p>21 Q That's fine.</p> <p>22 So then you stepped out, tell me</p> <p>23 what was on your desk?</p> <p>24 A I had a stack of files on my</p> <p>25 desk.</p>	<p style="text-align: right;">Page 212</p> <p>1 LEENA VARUGHESE</p> <p>2 office, right?</p> <p>3 A Correct.</p> <p>4 Q And you left, you left me alone</p> <p>5 in your office?</p> <p>6 A For a few seconds only.</p> <p>7 Q For a few seconds.</p> <p>8 A Yes.</p> <p>9 DR. WEINFELD: Okay, go ahead.</p> <p>10 DR. VARUGHESE: In my</p> <p>11 recollection it wasn't a few seconds.</p> <p>12 Q So when you came back you</p> <p>13 think -- you thought that I was looking at your</p> <p>14 files?</p> <p>15 A I saw you looking at the files.</p> <p>16 Q Did you see me like what</p> <p>17 happened, was it in my lap, was it like this?</p> <p>18 A No, it was still on my desk.</p> <p>19 Q Okay, all right, so they were</p> <p>20 still on the desk.</p> <p>21 Do you often leave people alone</p> <p>22 in your office?</p> <p>23 A If someone comes to see the</p> <p>24 President of the medical center and I have to</p> <p>25 help them, yes.</p>
<p style="text-align: right;">Page 211</p> <p>1 LEENA VARUGHESE</p> <p>2 Q How many files was that?</p> <p>3 A I don't recall, I have tons of</p> <p>4 files on my desk at a given time, I don't</p> <p>5 remember how many exactly.</p> <p>6 Q Well, this is what I remember,</p> <p>7 because I was accused of looking through her</p> <p>8 files.</p> <p>9 DR. WEINFELD: So ask her a</p> <p>10 question.</p> <p>11 Q So as I recall there was one</p> <p>12 file, a green file, actually, that's on your</p> <p>13 desk at the corner and I was sitting in front</p> <p>14 of it and my coffee was right next to it, so</p> <p>15 that's all I recall.</p> <p>16 DR. WEINFELD: Is there a</p> <p>17 question.</p> <p>18 Q Is that what you recall or do</p> <p>19 you recall several different files?</p> <p>20 A I recall several different</p> <p>21 files.</p> <p>22 Q That's all I need to know. So I</p> <p>23 only recall one file there.</p> <p>24 So you -- somebody came by the</p> <p>25 door and they wanted to be escorted to a nearby</p>	<p style="text-align: right;">Page 213</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Especially -- well, when you</p> <p>3 have confidential documentation or documents in</p> <p>4 your office, do you think that's appropriate?</p> <p>5 A People at Mount Sinai I trust</p> <p>6 and would never think would do something --</p> <p>7 Q I wasn't at Mount Sinai at that</p> <p>8 point. I guess you trusted me, okay.</p> <p>9 So my point --</p> <p>10 DR. MARIN: No point, are there</p> <p>11 any or questions for this witness?</p> <p>12 DR. VARUGHESE: I do.</p> <p>13 DR. MARIN: Please go ahead with</p> <p>14 your questions.</p> <p>15 Q So you decided to call Karen</p> <p>16 Tiger and basically you wanted me to go over to</p> <p>17 meet her, why was that?</p> <p>18 A So you can discuss the FMLA</p> <p>19 paperwork and the incident in my office,</p> <p>20 because I --</p> <p>21 Q But you were just -- that just</p> <p>22 came up on the fly, not even necessarily?</p> <p>23 A I have e-mailed her again</p> <p>24 afterwards for the incident, Dr. Firpa was on</p> <p>25 that e-mail as well.</p>

54 (Pages 210 to 213)

<p style="text-align: right;">Page 214</p> <p>1 LEENA VARUGHESE</p> <p>2 Q But there was really no --</p> <p>3 DR. MARIN: Dr. Varughese, back</p> <p>4 to the questions. You ask her a</p> <p>5 question, she'll respond to it, then you</p> <p>6 ask her another question.</p> <p>7 It's not open for discussion.</p> <p>8 DR. VARUGHESE: There was nothing</p> <p>9 here that wanted me to go through her.</p> <p>10 DR. MARIN: This is not a</p> <p>11 discussion, you will have a chance later</p> <p>12 to give your opinion.</p> <p>13 DR. VARUGHESE: All right, sorry.</p> <p>14 Q So, do you think what I talked</p> <p>15 to you, just me having a basic question about</p> <p>16 the FMLA leave basically warranted you dragging</p> <p>17 me to your office and making me wait there for</p> <p>18 the entire core conference that morning, or</p> <p>19 were there other reasons for that?</p> <p>20 A No, there wasn't.</p> <p>21 Q That was your only reason.</p> <p>22 That's all I needed to know, good.</p> <p>23 DR. MARIN: Thank you.</p> <p>24 DR. WEINFELD: Thanks very much.</p> <p>25 MR. MacDONALD: Let's make it</p>	<p style="text-align: right;">Page 216</p> <p>1 LEENA VARUGHESE</p> <p>2 medical education.</p> <p>3 Q What are your duties in that</p> <p>4 capacity?</p> <p>5 A I help to oversee the residency</p> <p>6 programs in our consortium, there are 91 in</p> <p>7 all, so we help to assess program quality and</p> <p>8 to help programs with their curricula, also to</p> <p>9 help with resident issues, to help residents</p> <p>10 resolve concerns and to assist programs when</p> <p>11 they are dealing with resident issues.</p> <p>12 Q Would you describe</p> <p>13 professionalism standards and core</p> <p>14 requirements?</p> <p>15 A So there are six ACGME core</p> <p>16 competencies that are expected to be part of</p> <p>17 resident education.</p> <p>18 One of them, one of those</p> <p>19 competencies is professionalism, so residents</p> <p>20 are expected to attain this competency which</p> <p>21 entails having compassion and respect for</p> <p>22 others, to have a commitment to patient care</p> <p>23 that supersedes self-interest, and to display</p> <p>24 sensitivity to a diverse range of patients and</p> <p>25 to be dependable and to just sort of embody</p>
<p style="text-align: right;">Page 215</p> <p>1 LEENA VARUGHESE</p> <p>2 clear that Dr. Varughese' binder with</p> <p>3 the documents are in the record, are</p> <p>4 admitted in the record and the Committee</p> <p>5 will take them for what they are worth</p> <p>6 and connect them to the testimony as</p> <p>7 appropriate.</p> <p>8 And the same is true with the the</p> <p>9 Department's exhibits, so that there is no</p> <p>10 question what's in and what's out of the</p> <p>11 evidence.</p> <p>12 DR. MARIN: Understood.</p> <p>13</p> <p>14 PAUL JOHNSON, called as a</p> <p>15 witness, having been first duly sworn by</p> <p>16 the Notary Public, was examined and</p> <p>17 testified as follows:</p> <p>18</p> <p>19 DIRECT EXAMINATION BY DR. FIRPA:</p> <p>20</p> <p>21 Q Good evening, Mr. Johnson.</p> <p>22 Who is your employer?</p> <p>23 A Mount Sinai School of Medicine.</p> <p>24 Q What is your job title?</p> <p>25 A Director of GME, graduate</p>	<p style="text-align: right;">Page 217</p> <p>1 LEENA VARUGHESE</p> <p>2 professionalism as it's defined by the ACGME.</p> <p>3 Q Do you recall any questions or</p> <p>4 clarifications regarding Dr. Varughese and</p> <p>5 advice to the Department during the period</p> <p>6 after her final warning?</p> <p>7 A Yes.</p> <p>8 Q Would you tell us about that?</p> <p>9 A Are we talking about advising</p> <p>10 Dr. Varughese or advising the Department.</p> <p>11 Q Advising the Department on how</p> <p>12 to deal.</p> <p>13 A So, in the period after the</p> <p>14 final warning, the first time the Department</p> <p>15 sought advice from our office was in Dr.</p> <p>16 Firpa's first meeting with Dr. Varughese as</p> <p>17 outlined in the final warning.</p> <p>18 Dr. Varughese was initially</p> <p>19 refusing to participate in the meeting and Dr.</p> <p>20 Firpa called a couple of times when Dr.</p> <p>21 Varughese was saying things such as that the</p> <p>22 Department needed to speak with her lawyer</p> <p>23 regarding all of the professionalism concerns.</p> <p>24 So, I made sure that the</p> <p>25 Department was aware that Dr. Varughese didn't</p>

55 (Pages 214 to 217)

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1 LEENA VARUGHESE
2 have an option about participating in these
3 meetings, and the meeting eventually did go
4 forward.

5 After that, the program was --
6 Dr. Firpa was new to his position and so I
7 would receive fairly regular updates about Dr.
8 Varughese's performance.

9 At -- I would say the next time
10 I became aware of an issue it related to the
11 coverage for surgical pathology.

12 The Chief Residents were having
13 issues with Dr. Varughese and I advised Dr.
14 Firpa to have the program leadership address
15 the concerns, to sort of back up the Chief
16 Residents in what they were experiencing.

17 After that, we did have some
18 interaction with the Department related to Dr.
19 Varughese's requests to switch her elective
20 rotation.

21 We were aware that the
22 Department had really been paying a lot of
23 attention to AP time, anatomic pathology and
24 clinical pathology time and how it was balanced
25 in resident schedules and we were confident

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1 LEENA VARUGHESE
2 that the Department had really given good
3 consideration to the request and ultimately
4 denied it.

5 So we sort of stood by the
6 Department in its decision there and then in
7 the final period there was sort of rapid
8 sequence of advice that was given to the
9 Department about the need for leave and that
10 was, I don't know, should I --

11 DR. WEINFELD: Go ahead.

12 Q How did you become aware that
13 Dr. Varughese was requesting a leave of
14 absence?

15 A I became aware of Dr. Varughese's
16 need for leave when she was expected to give a
17 conference presentation in mid-September and
18 she didn't give that presentation.

19 Dr. Firpa met with her after she
20 didn't present and reported to us that Dr.
21 Varughese was unable to perform her function as
22 a resident because she was having serious
23 issues.

24 Q Would you refer to Exhibit 15,
25 Department's Exhibit 15, and briefly describe

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1 LEENA VARUGHESE
2 what they are represent?

3 A This was an e-mail responding to
4 Dr. -- an e-mail from Dr. Varughese about on
5 various topics, including who was responsible
6 for the -- being program director in pathology,
7 access to various policies in the Department,
8 also whether she was required to present proof
9 of an illness when she refused to take a call
10 assignment, and also related to the resident
11 schedules and the division between anatomic
12 pathology time and clinical pathology time.

13 Q What did you say about all this?

14 A I just -- most of the e-mail was
15 just clarifying policies and procedures, I mean
16 there is one clearly designated program
17 director who is Dr. Lento, and both Dr. Firpa
18 and Dr. Lento have responsibilities related to
19 the residency, but in terms of the ACGME and
20 designating someone, Dr. Lento was the program
21 director.

22 With regard to the policies, I
23 did offer her assistance if she was looking for
24 a particular policy, I was willing to sort of
25 help her in talking to the Department to make

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1 LEENA VARUGHESE
2 sure that if there was such a policy that the
3 residents would have access to it.

4 I confirmed that she was
5 required to submit proof of illness if the
6 Department was requesting it and I also assured
7 her that Dr. Firpa and Dr. Lento were carefully
8 looking into the resident schedules to make
9 sure that the ACGME requirements for time in
10 each side of pathology were met.

11 Q Let's go back to the request for
12 leave of absence following September 15th.

13 Were you aware that I had
14 instructed her not to come to work pending
15 approval of her leave request?

16 A Yes.

17 Q Were you aware that Dr.
18 Varughese ignored that request and continued
19 coming to work?

20 A I didn't become aware of it
21 until the following week, but yes.

22 DR. WEINFELD: Dr. Firpa, was
23 that request made in writing, the
24 request for her not to come to work?

25 DR. FIRPA: Yes, on the 16th.

56 (Pages 218 to 221)

<p style="text-align: right;">Page 222</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. WEINFELD: Can we have a copy</p> <p>3 of that somewhere?</p> <p>4 DR. BRONHEIM: Under Mount Sinai</p> <p>5 law if that is written, is that --</p> <p>6 DR. WEINFELD: There is no Mount</p> <p>7 Sinai law.</p> <p>8 DR. BRONHEIM: Mount Sinai</p> <p>9 guidelines, if such a letter is written,</p> <p>10 does it prohibit the resident from</p> <p>11 appearing.</p> <p>12 DR. LEITER: Is there</p> <p>13 documentation of her -- is there any</p> <p>14 documentation of your request for her</p> <p>15 not to come back?</p> <p>16 DR. WEINFELD: It looks like</p> <p>17 Exhibit 16, does that cover -- it's an</p> <p>18 e-mail from Dr. Firpa to Dr. Varughese.</p> <p>19 DR. FIRPA: Yes, on the last</p> <p>20 paragraph the second sentence from the</p> <p>21 last.</p> <p>22 I must also ask you not to return</p> <p>23 without the doctor's note and assessment</p> <p>24 for the leave of absence.</p> <p>25 DR. WEINFELD: Okay, thank you.</p>	<p style="text-align: right;">Page 224</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Well, did you recall that she</p> <p>3 had intended to go to work and she was in</p> <p>4 violation of her direct and explicit request by</p> <p>5 me not to come to work until the doctor's note</p> <p>6 was provided and fill in the application for</p> <p>7 leave of absence?</p> <p>8 A Yes.</p> <p>9 Q What happened during that</p> <p>10 meeting between you, Dr. Varughese and Karen</p> <p>11 Tiger?</p> <p>12 A I think first we were interested</p> <p>13 in knowing why Dr. Varughese hadn't responded</p> <p>14 to e-mail and phone contact from the program to</p> <p>15 follow up on her leave of absence.</p> <p>16 And her response to that was</p> <p>17 that she didn't respond to the -- this contact</p> <p>18 because it didn't contain any questions, it</p> <p>19 just -- these contacts just stated facts.</p> <p>20 And I think she said if they had</p> <p>21 asked me whether I was working I would have</p> <p>22 said yes, and it was difficult to determine why</p> <p>23 she had been coming to work even though the</p> <p>24 Department had asked her not to be working in</p> <p>25 the period where her FMLA paperwork was being</p>
<p style="text-align: right;">Page 223</p> <p>1 LEENA VARUGHESE</p> <p>2 Q Did the GME office take any</p> <p>3 action with regard to what I have told you</p> <p>4 about the meeting with Dr. Varughese on the</p> <p>5 15th?</p> <p>6 A Yes, we did provide some advice</p> <p>7 about leave, but the day that followed Dr.</p> <p>8 Varughese' initial request for leave I</p> <p>9 contacted the physician wellness committee to</p> <p>10 arrange for an assessment.</p> <p>11 Well, to ask them to arrange for</p> <p>12 an assessment.</p> <p>13 DR. WEINFELD: Do we know if that</p> <p>14 assessment ever took place?</p> <p>15 THE WITNESS: If never took</p> <p>16 place.</p> <p>17 Q Did you meet with Dr. Varughese</p> <p>18 on September 20th?</p> <p>19 A September 20th, yes.</p> <p>20 Q How did that meeting come about?</p> <p>21 A It came about because Ms. Patel</p> <p>22 on the morning of the 20th had encountered Dr.</p> <p>23 Varughese at Starbucks and had arranged with</p> <p>24 Ms. Tiger Paillex to meet with her and me, that</p> <p>25 is the answer to your question.</p>	<p style="text-align: right;">Page 225</p> <p>1 LEENA VARUGHESE</p> <p>2 filled out.</p> <p>3 We also asked about wellness</p> <p>4 because we knew that Mr. Hughes from the</p> <p>5 wellness committee had been trying since the</p> <p>6 previous Friday to contact Dr. Varughese, and</p> <p>7 was unsuccessful and Dr. Varughese said that</p> <p>8 she found the wellness committee to be</p> <p>9 unhelpful in her previous interaction with</p> <p>10 them, that she had been trying to obtain a</p> <p>11 report from them that she never received and we</p> <p>12 or I told her that participation with the</p> <p>13 wellness committee was mandatory, and that a</p> <p>14 resident couldn't refuse to cooperate without</p> <p>15 facing possible disciplinary action.</p> <p>16 At which point she said that she</p> <p>17 would consider making an appointment with them</p> <p>18 at her convenience.</p> <p>19 Ms. Tiger Paillex and I found</p> <p>20 that answer to be unsatisfactory so we got</p> <p>21 wellness on the phone while we were there and</p> <p>22 arranged an appointment between Dr. Varughese</p> <p>23 and Dr. Hughes for that Thursday.</p> <p>24 We also asked her questions</p> <p>25 about and the incident that had happened less</p>

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<p style="text-align: right;">Page 226</p> <p>1 LEENA VARUGHESE</p> <p>2 than an hour before in Ms. Patel's office.</p> <p>3 Dr. Varughese initially said she</p> <p>4 didn't want to say anything about the incident,</p> <p>5 but then had an explanation where her coffee</p> <p>6 was next to some documents and Ms. Patel</p> <p>7 misunderstood the situation.</p> <p>8 But then went into -- so Ms.</p> <p>9 Tiger Paillex then said you realize that Ms.</p> <p>10 Patel has confidential files in her office?</p> <p>11 And Dr. Varughese's response was</p> <p>12 if somebody has confidential files in their</p> <p>13 office, they shouldn't leave people unattended</p> <p>14 with them.</p> <p>15 And I mean that was pretty much</p> <p>16 the extent of the conversation.</p> <p>17 Q Do you remember at any time</p> <p>18 during that conversation she made reference to</p> <p>19 her intent to see a psychiatrist and what was</p> <p>20 the outcome of that intent?</p> <p>21 A By that point she had seen one</p> <p>22 physician and she had told us that that</p> <p>23 physician had denied to certify the leave.</p> <p>24 Declined to certify the leave.</p> <p>25 Q Were you involved in the</p>	<p style="text-align: right;">Page 228</p> <p>1 LEENA VARUGHESE</p> <p>2 with patients.</p> <p>3 Q Would you refer to Exhibit</p> <p>4 number 1; the Department's Exhibit 1.</p> <p>5 And briefly summarize what this</p> <p>6 represents -- you don't have to, it's there.</p> <p>7</p> <p>8 DR. WEINFELD: Thank you.</p> <p>9 Q Are the reasons for her</p> <p>10 termination set out in her letter?</p> <p>11 DR. WEINFELD: Let the record</p> <p>12 reflect that item number 1 in the</p> <p>13 Pathology Department's record indicates</p> <p>14 the summary suspension termination.</p> <p>15 A Everything that's here does</p> <p>16 support the termination.</p> <p>17 At a certain point, it doesn't</p> <p>18 go right up until the end of Dr. Varughese's</p> <p>19 service at Mount Sinai, but at a certain point</p> <p>20 the documentation in this letter had to stop in</p> <p>21 order for the termination to take place, so</p> <p>22 there may be some issues that happened after</p> <p>23 the time period covered in the letter, but I</p> <p>24 think what's here does represent an accurate</p> <p>25 record of the professionalism issues.</p>
<p style="text-align: right;">Page 227</p> <p>1 LEENA VARUGHESE</p> <p>2 decision to summarily suspend and terminate Dr.</p> <p>3 Varughese?</p> <p>4 A Yes.</p> <p>5 Q Why was she terminated?</p> <p>6 A I think in the period from the</p> <p>7 final warning to the termination there were</p> <p>8 several incidences that consistently</p> <p>9 demonstrated a failure to meet the professional</p> <p>10 standard, professionalism standards for</p> <p>11 residency.</p> <p>12 It also became apparent towards</p> <p>13 the very end that there was in my mind some</p> <p>14 danger to patients.</p> <p>15 Because Dr. Varughese had</p> <p>16 requested leave and it seemed as though there</p> <p>17 was something serious going on with her, the</p> <p>18 GME office and the Department really wanted to</p> <p>19 make sure that that serious condition was</p> <p>20 addressed.</p> <p>21 Dr. Varughese's failure to follow</p> <p>22 up on that really created a problem in that she</p> <p>23 was returning to work when we didn't feel that</p> <p>24 she was able to function as a resident.</p> <p>25 And that poses potential issues</p>	<p style="text-align: right;">Page 229</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. FIRPA: Thank you. No</p> <p>3 further questions.</p> <p>4 DR. WEINFELD: Dr. Varughese.</p> <p>5</p> <p>6 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>7</p> <p>8 Q So, you were aware that I had</p> <p>9 already spoke to one of my physicians and they</p> <p>10 denied me the family medical leave of absence</p> <p>11 as of Tuesday morning?</p> <p>12 A Yes.</p> <p>13 Q And they deemed me fit to work,</p> <p>14 which means that they thought I didn't need the</p> <p>15 family medical leave of absence?</p> <p>16 DR. WEINFELD: We know what that</p> <p>17 means.</p> <p>18 DR. BRONHEIM: Did you provide a</p> <p>19 letter to that effect?</p> <p>20 DR. LEITER: Is there a document?</p> <p>21 DR. BRONHEIM: Do you have a</p> <p>22 document?</p> <p>23 DR. WEINFELD: So, you have</p> <p>24 documentation that you saw a physician.</p> <p>25 DR. BRONHEIM: Who made that</p>

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<p style="text-align: right;">Page 230</p> <p>1 LEENA VARUGHESE</p> <p>2 statement?</p> <p>3 DR. VARUGHESE: I spoke to a</p> <p>4 physician who said she's not</p> <p>5 comfortable.</p> <p>6 DR. WEINFELD: Is this somebody</p> <p>7 you saw as a patient or somebody you</p> <p>8 spoke to?</p> <p>9 DR. VARUGHESE: Somebody I spoke</p> <p>10 to regarding what was happening.</p> <p>11 DR. WEINFELD: Okay, so go ahead,</p> <p>12 ask your question.</p> <p>13 A So, yes.</p> <p>14 Q So that afternoon I followed up</p> <p>15 with you and I said I saw my physician, do you</p> <p>16 remember me saying that to you?</p> <p>17 I saw the physician?</p> <p>18 A The second physician.</p> <p>19 Q Yes, I saw my physician I told</p> <p>20 you that?</p> <p>21 A Yes, who also declined to</p> <p>22 certify the leave of absence.</p> <p>23 Q Yes, who has declined to certify</p> <p>24 the leave of absence and thought that I should</p> <p>25 be at work.</p>	<p style="text-align: right;">Page 232</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: It's a statement</p> <p>3 then, you don't have any evidence for</p> <p>4 it, is what I'm asking?</p> <p>5 DR. VARUGHESE: I don't and I</p> <p>6 never had an opportunity to give that</p> <p>7 document to the Department.</p> <p>8 Q So I want you to refer to</p> <p>9 Exhibit 26.</p> <p>10 DR. WEINFELD: In the big book.</p> <p>11 Okay.</p> <p>12 Q So my question is this, when</p> <p>13 were you aware that Dr. Firpa was -- when did</p> <p>14 Dr. Firpa tell you I'm not supposed to be at</p> <p>15 the hospital because I'm not well, what date?</p> <p>16 A It was the date of this e-mail,</p> <p>17 Thursday the 15th.</p> <p>18 Q Thursday the 15th.</p> <p>19 So, here is an e-mail that Dr.</p> <p>20 Firpa sent to me Thursday the 15th.</p> <p>21 The tone, the sentiment</p> <p>22 expressed in this e-mail is --</p> <p>23 DR. LEITER: What's the question?</p> <p>24 Q In this e-mail he doesn't -- he</p> <p>25 seems to, Dr. Firpa, seems to understand --</p>
<p style="text-align: right;">Page 231</p> <p>1 LEENA VARUGHESE</p> <p>2 A Yes.</p> <p>3 Q And this is a physician who has</p> <p>4 reviewed my medical history extensively, has</p> <p>5 known me for at least three plus years.</p> <p>6 DR. BRONHEIM: Wait a minute, he</p> <p>7 doesn't know that.</p> <p>8 Have you provided evidence?</p> <p>9 DR. VARUGHESE: I am telling you</p> <p>10 there is a person who knows me for over</p> <p>11 3 years.</p> <p>12 DR. MARIN: For clarification, is</p> <p>13 the documentation about that physician</p> <p>14 in your statement, one of your points in</p> <p>15 here?</p> <p>16 DR. VARUGHESE: Well, he didn't</p> <p>17 fill the form, but I have a letter</p> <p>18 saying that I saw him that day.</p> <p>19 DR. MARIN: Is that in here so we</p> <p>20 can review it?</p> <p>21 DR. VARUGHESE: No, it's not in</p> <p>22 there.</p> <p>23 I mean it's something I would have</p> <p>24 given to the Department.</p> <p>25 DR. WEINFELD: Go ahead.</p>	<p style="text-align: right;">Page 233</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: This is something you</p> <p>3 would have to address with Dr. Firpa.</p> <p>4 You have a different witness on the</p> <p>5 stand, so your question should be</p> <p>6 pertaining to him.</p> <p>7 Q Right, so I sent Mr. Johnson an</p> <p>8 e-mail on the 20th because I wasn't sure why --</p> <p>9 DR. MARIN: Dr. Varughese, it's a</p> <p>10 back to the question concept.</p> <p>11 The way it works is you ask him a</p> <p>12 question and he responds to it, this is</p> <p>13 not the forum for you to explain text</p> <p>14 inside of your --</p> <p>15 DR. LEITER: If you have no</p> <p>16 questions for him, perhaps you want to</p> <p>17 move on so you can present your case.</p> <p>18 Q So according to the</p> <p>19 institutional policy Dr. Firpa is the director</p> <p>20 of educational activities, what authority does</p> <p>21 he have to tell me that I should not come to</p> <p>22 work?</p> <p>23 He's not a program director,</p> <p>24 what is his role in that?</p> <p>25 A I mean to go back to the e-mail</p>

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<p style="text-align: right;">Page 234</p> <p>1 LEENA VARUGHESE</p> <p>2 that we looked at just a few minutes ago, both</p> <p>3 Dr. Firpa and Dr. Lento have responsibilities</p> <p>4 relating to the residency program.</p> <p>5 One is officially called a</p> <p>6 program director, whether we are dealing with</p> <p>7 the ACGME, but that doesn't mean that that is</p> <p>8 the sole person who has any authority over</p> <p>9 residency training at the institution.</p> <p>10 DR. WEINFELD: So, the answer is</p> <p>11 that Dr. Firpa does have that authority?</p> <p>12 THE WITNESS: Yeah, we consider</p> <p>13 him to be in the program leadership.</p> <p>14 DR. WEINFELD: That was the</p> <p>15 question, okay.</p> <p>16 Q In terms of the policies that</p> <p>17 the Department has instituted as of August</p> <p>18 15th, I believe, that was, is that the date</p> <p>19 that we are -- it was supposed to be</p> <p>20 instituted?</p> <p>21 A It's not a policy.</p> <p>22 Q I'm talking about the new</p> <p>23 departmental policies.</p> <p>24 A I can't really speak to that.</p> <p>25 DR. WEINFELD: She's referring to</p>	<p style="text-align: right;">Page 236</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. WEINFELD: Can we strike this</p> <p>3 because there is no question.</p> <p>4 You have to go somewhere with this.</p> <p>5 DR. CORDONE-CARDO: As the Chair</p> <p>6 I presented in many occasions the line</p> <p>7 of reporting and everybody knew and I</p> <p>8 had various special meetings with all of</p> <p>9 the residents about the roles of Dr.</p> <p>10 Firpa.</p> <p>11 That was very clear to everybody.</p> <p>12 DR. WEINFELD: Is the question,</p> <p>13 Dr. Varughese, maybe I can clarify this,</p> <p>14 is your question who makes Department</p> <p>15 policy, is that what you are trying to</p> <p>16 ask?</p> <p>17 DR. VARUGHESE: Yeah, I'm asking</p> <p>18 Mr. Johnson, yes.</p> <p>19 DR. MARIN: That's not a question</p> <p>20 for him.</p> <p>21 DR. WEINFELD: I don't know</p> <p>22 that's a question, but I think it was</p> <p>23 answered.</p> <p>24 DR. VARUGHESE: Okay.</p> <p>25 Q Are you aware that Dr. Firpa</p>
<p style="text-align: right;">Page 235</p> <p>1 LEENA VARUGHESE</p> <p>2 item 17 in the small book.</p> <p>3 DR. BRONHEIM: I don't think you</p> <p>4 know that.</p> <p>5 DR. WEINFELD: So what's your</p> <p>6 question.</p> <p>7 DR. MARIN: It's not relevant to</p> <p>8 him.</p> <p>9 Q So, according to the</p> <p>10 institution's policy, I mean who -- did the GME</p> <p>11 make up these policies? Would made these</p> <p>12 policies?</p> <p>13 How were these, not -- I</p> <p>14 understand the ACGME came here and inspected</p> <p>15 you have to take some action to correct that,</p> <p>16 but --</p> <p>17 DR. WEINFELD: Ask the question.</p> <p>18 Q Who can -- how does this policy,</p> <p>19 I thought according to the hospital's house</p> <p>20 staff policy manual it's the Chairman who has</p> <p>21 to --</p> <p>22 DR. WEINFELD: What's your</p> <p>23 question?</p> <p>24 DR. VARUGHESE: Is it even like</p> <p>25 that the residents have to --</p>	<p style="text-align: right;">Page 237</p> <p>1 LEENA VARUGHESE</p> <p>2 indicated to me that he was a program director</p> <p>3 at some point?</p> <p>4 A I was not the aware of that.</p> <p>5 DR. WEINFELD: Any other</p> <p>6 questions for Mr. Johnson?</p> <p>7 Q Yes.</p> <p>8 You said that you referred me to</p> <p>9 the physician wellness committee on what,</p> <p>10 Friday?</p> <p>11 A On that Friday I asked Dr.</p> <p>12 Hughes to contact you.</p> <p>13 Q Why did you ask Dr. Hughes to</p> <p>14 contact me?</p> <p>15 A Because the previous day the</p> <p>16 program informed us that you could have a</p> <p>17 serious medical condition that would warrant an</p> <p>18 assessment by physician wellness.</p> <p>19 Q So the Department asked you to</p> <p>20 contact --</p> <p>21 A No.</p> <p>22 DR. VARUGHESE: All right, thank</p> <p>23 you.</p> <p>24 DR. WEINFELD: Thank you, very</p> <p>25 much.</p>

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<p style="text-align: right;">Page 238</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. WEINFELD: Is the Department</p> <p>3 done?</p> <p>4 DR. FIRPA: Two more witnesses.</p> <p>5</p> <p>6 ARTHUR FIGUR, called as a</p> <p>7 witness, having been first duly sworn by</p> <p>8 the Notary Public, was examined and</p> <p>9 testified as follows:</p> <p>10</p> <p>11 DIRECT EXAMINATION BY DR. FIRPA:</p> <p>12</p> <p>13 MR. MacDONALD: Let's proceed.</p> <p>14 Q Who is your employer,</p> <p>15 Dr. Figure?</p> <p>16 A The Mount Sinai Center Hospital.</p> <p>17 Q What is your job title?</p> <p>18 A I am the Associate Medical</p> <p>19 Director of the Mount Sinai Hospital.</p> <p>20 Q What are your job duties in that</p> <p>21 capacity?</p> <p>22 A Multiple, I do investigations of</p> <p>23 certain kinds of quality improvement, quality</p> <p>24 issues, I also Chair the investigative arm of</p> <p>25 the physicians wellness committee.</p>	<p style="text-align: right;">Page 240</p> <p>1 LEENA VARUGHESE</p> <p>2 When it's drug abuse issue, then</p> <p>3 they are automatically suspended and referred</p> <p>4 to CPH of the medical society for treatment.</p> <p>5 Q When was Dr. Varughese' first</p> <p>6 referred to the Committee?</p> <p>7 A I think she was first referred</p> <p>8 in January of this year.</p> <p>9 Q Why was she referred to the</p> <p>10 committee?</p> <p>11 A Dr. Pessan called me to say that</p> <p>12 she had -- Dr. Pessan became the interim Chair</p> <p>13 of the Department of Pathology and she referred</p> <p>14 Dr. Varughese to us because one, she was</p> <p>15 insubordinate to Dr. Pessan, two she had an</p> <p>16 altercation with one of the Chief Residents,</p> <p>17 that she was often late for working and that</p> <p>18 she harassed other residents.</p> <p>19 And those were the reasons she</p> <p>20 gave.</p> <p>21 Q Did you recall her ever</p> <p>22 resisting going to see psychiatrists?</p> <p>23 A Okay, well, before we get to</p> <p>24 that, we went up to the Department to see what</p> <p>25 was in her folder as far as attending notes and</p>
<p style="text-align: right;">Page 239</p> <p>1 LEENA VARUGHESE</p> <p>2 I sit on a variety of quality</p> <p>3 assurance committees, I try and get Chief</p> <p>4 Residents to participate in the various</p> <p>5 committees of the hospital.</p> <p>6 I still go to some of the</p> <p>7 meetings of the division of hematology because</p> <p>8 that's where I was before getting the</p> <p>9 administrative work.</p> <p>10 Q What is your role in the</p> <p>11 physician wellness committee?</p> <p>12 A When physicians are referred to</p> <p>13 us for evaluation, we try and interview as many</p> <p>14 people who have had firsthand experience with</p> <p>15 the physician so we can understand the issues,</p> <p>16 we then interview the physician to get his or</p> <p>17 her side of the story and the reason for the</p> <p>18 referral.</p> <p>19 We obtain toxicology screens,</p> <p>20 it's almost mandatory, we may refer out for</p> <p>21 outside evaluations, whether it's a vision</p> <p>22 problem to an ophthalmologist, if we feel it's</p> <p>23 behavioral issues or professional issues we</p> <p>24 refer them out for evaluation by a</p> <p>25 psychiatrist.</p>	<p style="text-align: right;">Page 241</p> <p>1 LEENA VARUGHESE</p> <p>2 so on about the behavior, we did find e-mails</p> <p>3 but at the time there were other issues in the</p> <p>4 Department, they were GME issues, Dr. Schiller</p> <p>5 had retired, they were searching for a new</p> <p>6 Chair.</p> <p>7 So to try and find the</p> <p>8 documentation backing up that she needed</p> <p>9 physician wellness rather than discipline for</p> <p>10 being insubordinate to a Chair, I made the</p> <p>11 decision in my other hat as Associate Medical</p> <p>12 Director to interview people along with Paul</p> <p>13 Johnson to see first of all would it be</p> <p>14 warranted, and if so, then we would say she</p> <p>15 should come to us, and we agreed that the</p> <p>16 referral was indicated and then it took a long</p> <p>17 time to convince her to come to a meeting</p> <p>18 between Dr. Hughes, Leena and myself.</p> <p>19 Q What about the referral to the</p> <p>20 physician wellness committee in September of</p> <p>21 this year?</p> <p>22 A I was away in September, Dr.</p> <p>23 Hughes did call me to say that Leena had called</p> <p>24 him because she needed a physician who could</p> <p>25 give her backup that she needed a leave of</p>

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<p style="text-align: right;">Page 242</p> <p>1 LEENA VARUGHESE</p> <p>2 absence because of illness.</p> <p>3 That's all he was able to tell</p> <p>4 me and he informed her that's not the function</p> <p>5 of the physician wellness.</p> <p>6 Our function is if we feel there</p> <p>7 is an issue that needs to be addressed, that we</p> <p>8 report people to the appropriate therapists for</p> <p>9 therapy, but we don't refer to mandate or to</p> <p>10 confirm that somebody needed a leave of</p> <p>11 absence.</p> <p>12 Q Was there anything else that the</p> <p>13 wellness committee could have done or other</p> <p>14 remediation measures the Committee could have</p> <p>15 taken to help Dr. Varughese?</p> <p>16 A Yes, but at this point when Dr.</p> <p>17 Cordone-Cardo and you came in we had a meeting</p> <p>18 in your office where I did voice that based on</p> <p>19 our handling of the situation earlier that</p> <p>20 really the next more appropriate step would be</p> <p>21 an increase in disciplinary action.</p> <p>22 You guys felt, appropriately,</p> <p>23 that you were new, you wanted to give her every</p> <p>24 opportunity to succeed and to finish the</p> <p>25 program, and that you would start a fresh as</p>	<p style="text-align: right;">Page 244</p> <p>1 LEENA VARUGHESE</p> <p>2 I'm always concerned about self-medicating by</p> <p>3 physicians.</p> <p>4 And we felt if I confronted her</p> <p>5 with that, plus having to sign the contract</p> <p>6 which we normally have physicians sign, that</p> <p>7 would negate everything you people were doing,</p> <p>8 and I sort of washed my hands of it and hoped</p> <p>9 that you were able to succeed.</p> <p>10 DR. BRONHEIM: When was this, Dr.</p> <p>11 Figur?</p> <p>12 THE WITNESS: I don't know when</p> <p>13 our meeting was, but shortly after they</p> <p>14 arrived, so whether it was September,</p> <p>15 the exact date I can't remember.</p> <p>16 Q Do you remember as we continued</p> <p>17 on that strategy and time moved on and things</p> <p>18 got really worse and worse, about September we</p> <p>19 consulted with you or we shared with you our</p> <p>20 concerns and our decision about possibly</p> <p>21 terminating her, did you feel at that time that</p> <p>22 there was any -- something else that could have</p> <p>23 been done to help her in any way?</p> <p>24 A My -- our feeling at the</p> <p>25 Committee was that we have tried everything we</p>
<p style="text-align: right;">Page 243</p> <p>1 LEENA VARUGHESE</p> <p>2 new persons, not related to any other</p> <p>3 experiences she might have had in the past and</p> <p>4 would be willing to start again.</p> <p>5 So, when Dr. Hughes and I</p> <p>6 discussed this, knowing that she resented</p> <p>7 authority, that she would resent referral to a</p> <p>8 therapist, that she would resent having</p> <p>9 toxicology screens which we deemed were</p> <p>10 necessary because her behavior was</p> <p>11 unpredictable, she would be late, she would not</p> <p>12 finish her work, so to me those were signs of</p> <p>13 possible impairment.</p> <p>14 The toxicology screen that she</p> <p>15 had at the original meeting with us was</p> <p>16 negative, but she wanted to drink an excessive</p> <p>17 amount of water.</p> <p>18 When I told her no, I took her</p> <p>19 over and the nurse at employees health would</p> <p>20 also refuse to give her more water and she</p> <p>21 admitted that she is on medications, Ambien and</p> <p>22 dexadryl and possibly Aderol, I would then be</p> <p>23 very concerned and would mandate that she give</p> <p>24 us a prescription from her current treating</p> <p>25 people who gave her these medications because</p>	<p style="text-align: right;">Page 245</p> <p>1 LEENA VARUGHESE</p> <p>2 could do to help her and that if you are</p> <p>3 terminating her it's very hard for us to sign</p> <p>4 an agreement because she'll no longer be here,</p> <p>5 that she needs to follow the directions of the</p> <p>6 the Committee, sign HIPPA consent that we can</p> <p>7 contact the treating therapist and the</p> <p>8 therapist would have been somebody, an expert</p> <p>9 in anger management, unless we found that drugs</p> <p>10 became an issue, and based on her lack of</p> <p>11 cooperation in the past, there was no need for</p> <p>12 us to proceed.</p> <p>13 DR. FIRPA: Thank you, I have no</p> <p>14 further questions.</p> <p>15 DR. WEINFELD: Dr. Varughese.</p> <p>16</p> <p>17 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>18</p> <p>19 Q You mentioned that you met with</p> <p>20 Dr. Cordone-Cardo when you first arrived at the</p> <p>21 hospital?</p> <p>22 A Yes. Well, not when he first</p> <p>23 arrived, at a meeting when you were brought up</p> <p>24 for discussion.</p> <p>25 Q So when was that?</p>

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1 LEENA VARUGHESE
2 A I can't recall the date.
3 Q I feel like that's relevant, was
4 it in May, was it in April?
5 A No, no, they weren't here.
6 DR. MARIN: He says he doesn't
7 recall the date. That's the answer.
8 A I don't recall the date, it was
9 after their arrival. Maybe a month after their
10 arrival when they became educational director
11 and Chairman of the Department.
12 Q So it was with both Dr. Firpa
13 and with Dr. Cordone-Cardo?
14 A They were both in the room, yes.
15 Q So that was probably you started
16 on -- may I address Dr. Firpa at this point?
17 DR. MARIN: Your questions are to
18 Dr. FigurYou arrived on July 1st?
19 DR. FIRPA: Yes.
20 DR. WEINFELD: What's the
21 question?
22 DR. BRONHEIM: The questions are
23 to Dr. Figur.
24 Q So my questions are to Dr. Figur
25 now.

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1 LEENA VARUGHESE
2 And so you advised there should
3 be more disciplinary action?
4 A Yes.
5 Q As opposed to --
6 A Yes. They didn't take my
7 advice.
8 Q They didn't take your advice?
9 A No, they gave you another
10 chance.
11 They wanted to start fresh, they
12 told you they would start fresh, they would
13 start with you from the beginning and --
14 Q Well, what would you consider
15 starting fresh?
16 Would you consider me being
17 placed on disciplinary action starting fresh?
18 A I'm not aware of any of the
19 disciplinary actions they took, I'm aware of
20 the academic advisement that you got earlier,
21 but after they arrived and they made the
22 decision that they were going to start fresh,
23 they were going to give you the chance to start
24 anew, wipe out the past slate, I was no longer
25 involved.

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1 LEENA VARUGHESE
2 Q So you were no longer involved
3 after that meeting.
4 Well, I just want to inform you
5 on July 15th Dr. Cordone-Cardo --
6 DR. MARIN: Dr. Varughese, this
7 is not the time to inform, your job is
8 to ask the question.
9 DR. VARUGHESE: They gave me a
10 disciplinary final warning letter.
11 DR. MARIN: Ask questions.
12 Q So, are you aware that I met
13 with Dr. Cordone-Cardo, Dr. Lento and Mr.
14 Castaldi on May 4th?
15 A No.
16 Q Well, they insisted I write a
17 new reflection on May 4th.
18 DR. MARIN: Go back to what I
19 just said to you, questions.
20 He said no; next question.
21 DR. VARUGHESE: Okay, sir, all
22 right.
23 A I heard, if you are asking that,
24 I heard after the fact that yes, they felt you
25 did not respond to the academic advisement and

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1 LEENA VARUGHESE
2 that they asked you to rewrite your reflection
3 after reading a certain book, which I don't
4 know what it was, and you didn't fulfill that
5 academic advisement.
6 Q So, Dr. Pessan who was part of
7 the Department reached out to you?
8 A Yes. When she was acting Chair.
9 Q When was she acting Chair, in
10 January?
11 A I think in January.
12 Q But you were aware there was a
13 back story to why she may have asked you?
14 A I sort of outlined the five
15 reasons, you were insubordinate to her, which
16 in my opinion is really not a physician
17 wellness issue, which is really a disciplinary
18 issue and should be handled immediately by the
19 Chair, because as an interim Chair I presume
20 she felt she didn't want to do it, but then
21 there were other issues about your lateness,
22 your not being a team player, your not
23 cooperating with the other residents, your
24 harassing them and you have been demeaning a
25 variety of the staff in the Pathology

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<p style="text-align: right;">Page 250</p> <p>1 LEENA VARUGHESE</p> <p>2 Department, and that's a physician wellness</p> <p>3 issue.</p> <p>4 Q How did she say that I was</p> <p>5 insubordinate?</p> <p>6 A I didn't ask.</p> <p>7 Q How many altercations did she</p> <p>8 say there were?</p> <p>9 A There was one altercation.</p> <p>10 Q And she said that I was</p> <p>11 responsible?</p> <p>12 A She said -- she said there was</p> <p>13 an altercation, she didn't put the blame</p> <p>14 anywhere, there was no specific write up and</p> <p>15 that was one of the reasons Mr. Johnson and I</p> <p>16 interviewed members of the Department, so we</p> <p>17 could figure out did it occur, how did it</p> <p>18 occur, what started it, and who could have been</p> <p>19 responsible.</p> <p>20 Q How often was I late?</p> <p>21 DR. WEINFELD: It's not a</p> <p>22 question for Dr. Figur.</p> <p>23 A I didn't ask.</p> <p>24 DR. WEINFELD: He wasn't asked to</p> <p>25 keep track of your lateness.</p>	<p style="text-align: right;">Page 252</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: Let's get back to the</p> <p>3 questions.</p> <p>4 Q What did you -- what was your</p> <p>5 opinion of that?</p> <p>6 A Well, there was no problem and</p> <p>7 Dr. Lento told me you would be unable to come</p> <p>8 because you were at another rotation, and that</p> <p>9 when you were available to come and be here</p> <p>10 that then you would appear.</p> <p>11 Q Right so this is a physician</p> <p>12 wellness committee issue, it's supposed to be a</p> <p>13 confidential issue, but you are telling --</p> <p>14 A No, your program director would</p> <p>15 know about this because the Chairman is the one</p> <p>16 who referred you, and certainly the program</p> <p>17 director needs to know what's going on with</p> <p>18 residents in the program.</p> <p>19 Q Right, after an interview if</p> <p>20 there was an issue that they needed to address</p> <p>21 or --</p> <p>22 A No, you were referred to us, you</p> <p>23 did not come. I had to be blunt with you</p> <p>24 because based on all the other interviews we</p> <p>25 have had with other people before I reached out</p>
<p style="text-align: right;">Page 251</p> <p>1 LEENA VARUGHESE</p> <p>2 Q So, you said you were contacted</p> <p>3 in January but you did not contact me until?</p> <p>4 A The policy of the Committee, as</p> <p>5 I outlined, is to get firsthand information,</p> <p>6 not second or thirdhand information from people</p> <p>7 who have had experience with the physician's</p> <p>8 behavior so that we don't get filtered</p> <p>9 information.</p> <p>10 So it takes a while to gather</p> <p>11 that data and once we were ready with that</p> <p>12 information, it took a while to get to you come</p> <p>13 to meet with us.</p> <p>14 Q So you basically e-mailed me --</p> <p>15 my Exhibit 40 in the big book.</p> <p>16 DR. WEINFELD: Exhibit 40 in the</p> <p>17 big book.</p> <p>18 Q So you e-mailed me on February</p> <p>19 28th and --</p> <p>20 DR. WEINFELD: Is there a</p> <p>21 question?</p> <p>22 Q And said that physician wellness</p> <p>23 would -- but, in fact Dr. Lento responded for</p> <p>24 me as opposed to me actually responding to this</p> <p>25 particular request saying that I wasn't --</p>	<p style="text-align: right;">Page 253</p> <p>1 LEENA VARUGHESE</p> <p>2 to you, was that you needed to be very blunt</p> <p>3 with Leena, otherwise she's not going to hear</p> <p>4 you.</p> <p>5 So I was very blunt to make</p> <p>6 certain that you understood that if you don't</p> <p>7 come you can be suspended and you can be</p> <p>8 terminated, and that's in the procedures and</p> <p>9 policies approved by the Medical Board which</p> <p>10 you can find online.</p> <p>11 So I didn't want you to say to</p> <p>12 me you never told me the outcome if I don't</p> <p>13 show up.</p> <p>14 Q So, anyway I met with you and</p> <p>15 Dr. Hughes several times and eventually you</p> <p>16 asked that I take the toxicology screening</p> <p>17 test.</p> <p>18 A Right.</p> <p>19 Q So I took the test, did I try</p> <p>20 not to take the test?</p> <p>21 DR. WEINFELD: What was the</p> <p>22 question?</p> <p>23 Q I mean I took the test, it was</p> <p>24 negative, was it?</p> <p>25 A Yes, the test was negative.</p>

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1 LEENA VARUGHESE
2 Q Okay, good.
3 A But as I said before, there were
4 issues before you took the test.
5 DR. WEINFELD: We heard.
6 DR. LEITER: Is that all?
7 DR. VARUGHESE: No.
8 Q So, you wanted me to meet with
9 Dr. Fursch eventually?
10 A Yes.
11 Q But I had requested that I could
12 follow up with my therapist?
13 A Yes we wanted an independent
14 opinion, which you thought was your therapist.
15 Q Or I said somebody at the
16 Medical Center of New York?
17 A Yes.
18 Q That was my other option?
19 A Right.
20 Q But I wasn't given that option?
21 A No, you were not given that
22 option because at our discretion it needed to
23 be someone from here based on the performance
24 issues in the past.
25 Q Do you recall telling me that

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1 LEENA VARUGHESE
2 you will give me a document?
3 A I don't recall, but as I say, I
4 don't recall, we do have a communication from
5 Dr. Fursch which is not here because it was
6 confidential to the Committee and it should
7 remain confidential with the Committee.
8 Once we decided that we are not
9 going to have you sign a contract and refer you
10 out and monitor you periodically, the
11 recommendations that we got became moot because
12 we weren't going to follow them.
13 Q Don't you think it's odd that
14 I'm going to see this therapist for physician
15 wellness committee and she won't give me any
16 follow-up summary?
17 A I didn't know you were going to
18 see any therapist.
19 Q And I'm not followed up with
20 that particular --
21 A I have no objection after the
22 disciplinary action is fulfilled, if Dr. Fursch
23 has no objection, of telling you what her
24 recommendations were.
25 And I agree, you need to know

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1 LEENA VARUGHESE
2 that.
3 But at this point in the
4 proceedings we can't mandate whom you should go
5 to and so from my point of view, it's moot.
6 Now, if you do go to a therapist
7 I will be happy to let that therapist know
8 exactly some of the issues that came up in the
9 workplace that you need to address to be
10 successful in the future, and that's our
11 concern, your future.
12 And protecting the patients.
13 Q So far we have discussed
14 professionalism as being the issue here.
15 What do you mean protect the
16 patients?
17 A Mount Sinai is fortunate that in
18 the Department of Pathology although the
19 residents do the grossing and have a great
20 responsibility of cutting margins on specimens,
21 that the attending is the final arbiter of what
22 report goes out and when.
23 So if you don't do your work
24 diligently and you don't do a proper margin cut
25 on a breast specimen, or any place else, we can

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1 LEENA VARUGHESE
2 send out a wrong report.
3 That became an issue.
4 Yes, the attending will read the
5 slides that are available, but the attending is
6 not there to watch every time a resident cuts
7 the slides.
8 And the information we got is
9 some days you were perfect and you did
10 extremely well and without rhyme or reason the
11 next time they came around you had no idea what
12 you were doing and had to ask the same
13 questions of the same people who had just gone
14 through this material with you a week ago, and
15 it's like starting in the beginning.
16 And that's what I mean by
17 protecting our patients.
18 And that was one of the reasons
19 we needed the toxicology screen, that when you
20 were educated to something you couldn't retain
21 it.
22 Not my opinion, those were the
23 opinions of people we interviewed.
24 DR. MARIN: Questions.
25 DR. VARUGHESE: For the record,

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<p style="text-align: right;">Page 258</p> <p>1 LEENA VARUGHESE</p> <p>2 that's not true.</p> <p>3 DR. WEINFELD: A question, a</p> <p>4 question.</p> <p>5 Q It seems that you have been</p> <p>6 misled.</p> <p>7 DR. WEINFELD: Do you have any</p> <p>8 further questions before I excuse him?</p> <p>9 DR. VARUGHESE: No.</p> <p>10 DR. WEINFELD: Do you have any</p> <p>11 further questions, not commentary,</p> <p>12 questions?</p> <p>13 Q In our interactions, what's your</p> <p>14 opinion, am I -- do I need anger management</p> <p>15 or --</p> <p>16 A Based on the interviews of other</p> <p>17 people, yes.</p> <p>18 Q Well --</p> <p>19 A You were never angry with me,</p> <p>20 except for being reluctant to come and needing</p> <p>21 a lot of urging and what you would consider</p> <p>22 threatening, what I considered informational,</p> <p>23 no, you've never been anything but courteous</p> <p>24 with us.</p> <p>25 DR. VARUGHESE: All right, so one</p>	<p style="text-align: right;">Page 260</p> <p>1 LEENA VARUGHESE</p> <p>2 e-mailed you, please keep that appointment.</p> <p>3 I think you may then have said</p> <p>4 something about your grandfather dying, it may</p> <p>5 be in your e-mail trail, I certainly don't have</p> <p>6 that.</p> <p>7 Q But I wasn't advised to take a</p> <p>8 day off.</p> <p>9 DR. WEINFELD: Thank you, Dr.</p> <p>10 Figur, you are excused.</p> <p>11 Thanks very much.</p> <p>12 MR. MacDONALD: Is that the last</p> <p>13 witness?</p> <p>14 DR. FIRPA: One more.</p> <p>15</p> <p>16 CARLOS CORDON-CARDO,</p> <p>17 called as a witness, having been first</p> <p>18 duly sworn by the Notary Public, was</p> <p>19 examined and testified as follows.</p> <p>20</p> <p>21 EXAMINATION BY DR. FIRPA:</p> <p>22</p> <p>23 Q Good evening, Dr. Cordone-Cardo.</p> <p>24 Who is your employer?</p> <p>25 A Mount Sinai School of Medicine.</p>
<p style="text-align: right;">Page 259</p> <p>1 LEENA VARUGHESE</p> <p>2 more thing.</p> <p>3 Q With Dr. Fursch, I had been a</p> <p>4 little resistant to going to that particular</p> <p>5 meeting.</p> <p>6 A Yes.</p> <p>7 Q But I did inform you my</p> <p>8 grandfather had just passed away that week?</p> <p>9 A Right.</p> <p>10 DR. WEINFELD: Is there a</p> <p>11 question for Dr. Figur?</p> <p>12 Q Are you aware there is a</p> <p>13 hospital policy where you can take up to three</p> <p>14 condolence days?</p> <p>15 DR. WEINFELD: Who was it?</p> <p>16 DR. VARUGHESE: My grandfather?</p> <p>17 A That's not my area of expertise,</p> <p>18 I am not aware of it.</p> <p>19 DR. WEINFELD: Ask him a hospital</p> <p>20 policy question, that's not for Dr.</p> <p>21 Figur.</p> <p>22 Q You requested that I go despite</p> <p>23 the fact --</p> <p>24 A You had an appointment which you</p> <p>25 canceled. Dr. Fursch notified me, so I</p>	<p style="text-align: right;">Page 261</p> <p>1 LEENA VARUGHESE</p> <p>2 Q What is your job title?</p> <p>3 A I am the Chair of Pathology.</p> <p>4 Q What are your duties as Chair of</p> <p>5 Pathology?</p> <p>6 A I am to oversight both the</p> <p>7 service, educational and research operations of</p> <p>8 the Department.</p> <p>9 Q When did you become Chair of</p> <p>10 Mount Sinai?</p> <p>11 A April 1st.</p> <p>12 Q When did you first meet with Dr.</p> <p>13 Varughese?</p> <p>14 A I met first with Dr. Varughese</p> <p>15 on May 3rd.</p> <p>16 Q What happened at that meeting?</p> <p>17 A I was informed as I arrived</p> <p>18 after talking to our leadership that there were</p> <p>19 some issues with Dr. Varughese including a</p> <p>20 meeting on April 26th describing the lack of</p> <p>21 responses to repetitive e-mails from several of</p> <p>22 the faculties.</p> <p>23 So as a new Chair I wanted to</p> <p>24 address that immediately and I wanted to make</p> <p>25 sure that Dr. Varughese also had the chance to</p>

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<p style="text-align: right;">Page 262</p> <p>1 LEENA VARUGHESE</p> <p>2 meet with me much before I met with some of the</p> <p>3 faculty.</p> <p>4 Q Did you discuss with her</p> <p>5 anything regarding her academic advisement?</p> <p>6 A I did. I went over the past</p> <p>7 academic advisement.</p> <p>8 I realized that she was asked in</p> <p>9 December to put forward a statement on events</p> <p>10 on professionalism, that she was supposed to</p> <p>11 hand in a matter of four weeks upon agreement</p> <p>12 of herself with the Committee.</p> <p>13 That report was not submitted</p> <p>14 until March 30th, two days before my arrival</p> <p>15 and some three months later of what she was</p> <p>16 required.</p> <p>17 So I wanted to understand why,</p> <p>18 but at the same time I wanted to give Dr.</p> <p>19 Varughese the chance to meet me, give Dr.</p> <p>20 Varughese the chance of starting fresh and</p> <p>21 making very clear that what has happened in the</p> <p>22 Department in the past was not going to happen</p> <p>23 now.</p> <p>24 We strive for integrity, we</p> <p>25 strive to not disruption of operations, we</p>	<p style="text-align: right;">Page 264</p> <p>1 LEENA VARUGHESE</p> <p>2 And she said I need a couple of</p> <p>3 weeks, a month.</p> <p>4 Do you have the copy of the</p> <p>5 book?</p> <p>6 No, we will buy the copy of the</p> <p>7 book. I am going find out and this is how we</p> <p>8 started on that first meeting.</p> <p>9 Q What happened in the follow-up</p> <p>10 meeting to that initial agreement?</p> <p>11 A Well, we met on May 24th because</p> <p>12 nothing was being submitted, I wasn't sure if</p> <p>13 the report was being prepared.</p> <p>14 I didn't want the same report of</p> <p>15 the past which is at the end of day what we</p> <p>16 received, and I wanted to make sure that she</p> <p>17 had access also to the book, at which point I</p> <p>18 asked together with Dr. Lento do you recall the</p> <p>19 author of the book?</p> <p>20 Which Dr. Varughese said that</p> <p>21 she didn't recall that the book has been</p> <p>22 written by Stephen Pisan on practice excellence</p> <p>23 and it's a manual of how to conduct business in</p> <p>24 our business.</p> <p>25 So we advised her that this was</p>
<p style="text-align: right;">Page 263</p> <p>1 LEENA VARUGHESE</p> <p>2 strive to professionalism, I also asked Dr.</p> <p>3 Varughese to make sure that she had a copy of</p> <p>4 the book that she was recommended, if not the</p> <p>5 Department would buy that book and I tried to</p> <p>6 start a new relationship and at that meeting we</p> <p>7 did meet with the person who was at that time</p> <p>8 the acting administrator, Mr. Castaldi.</p> <p>9 The interview was not easy, she</p> <p>10 was quite rude, she never offered an</p> <p>11 explanation for why she delayed three months</p> <p>12 and why all of a sudden a day before I started</p> <p>13 the report appears, which wasn't the report</p> <p>14 that was asked for, it was essentially a</p> <p>15 recount of what has happened.</p> <p>16 I said to her look, I read it,</p> <p>17 and this is not what you were asked, you were</p> <p>18 asked to write a report on professionalism, how</p> <p>19 you should act upon being a pathologist, being</p> <p>20 fair to your peers and being respectful, the</p> <p>21 lack of integrity that has been demonstrated in</p> <p>22 the past, it's not going to happen on my watch,</p> <p>23 but let's start fresh.</p> <p>24 So how long do you need to write</p> <p>25 a new report?</p>	<p style="text-align: right;">Page 265</p> <p>1 LEENA VARUGHESE</p> <p>2 not what we were expecting and conveyed the</p> <p>3 message that we wanted and we expected more</p> <p>4 from her.</p> <p>5 Q What was her general behavior</p> <p>6 during that interaction with you?</p> <p>7 A We met again at which point the</p> <p>8 book had been written -- at least she brought a</p> <p>9 copy of the book, the report that we requested</p> <p>10 was essentially the same a recount of what had</p> <p>11 happened, weeks after what we expected and at</p> <p>12 that meeting essentially when I started trying</p> <p>13 to put it in perspective, I said well you have</p> <p>14 a copy of the book, have you read it?</p> <p>15 She essentially threw the book,</p> <p>16 not essentially, to myself, but I started</p> <p>17 saying what's happening? You threw the book,</p> <p>18 Leena, from one side of the table to the other,</p> <p>19 that's the fact.</p> <p>20 And I said look, I mean, what's</p> <p>21 happening here?</p> <p>22 Are you reading that, this is</p> <p>23 what you are learning and she started</p> <p>24 escalating, trying to go back to the same</p> <p>25 story, oh, because, so it was so difficult in</p>

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<p style="text-align: right;">Page 266</p> <p>1 LEENA VARUGHESE</p> <p>2 that I saw that we were not going anywhere.</p> <p>3 So I end the meeting short</p> <p>4 thinking that she was going to have time to</p> <p>5 reconsider the matters and inviting her back.</p> <p>6 Q How did you come to the</p> <p>7 conclusion of issuing a final warning?</p> <p>8 A The series of repetitive</p> <p>9 incidents the lack of integrity, not responding</p> <p>10 to e-mails, not going to lectures and sitting</p> <p>11 in the Department, together with the lack of</p> <p>12 professionalism that she was displaying to all</p> <p>13 of our faculty, as well as the residents and</p> <p>14 the fellows, brought up as to a -- brought us</p> <p>15 to a point that we thought the disruption of</p> <p>16 operations was so large that besides the final</p> <p>17 warning and besides that final warning we were</p> <p>18 going to go ahead.</p> <p>19 And after realizing that she was</p> <p>20 in the office of senior administrator going</p> <p>21 over important potential documents and the lack</p> <p>22 of integrity proven throughout this period, I</p> <p>23 took, together with academic administration and</p> <p>24 the senior leadership of the Department, the</p> <p>25 next step of presenting her with a letter of</p>	<p style="text-align: right;">Page 268</p> <p>1 LEENA VARUGHESE</p> <p>2 operations were there, and that we couldn't</p> <p>3 come to have professionalism and respect as it</p> <p>4 happens at moments that are critical like this</p> <p>5 one in our job, which is an important job, we</p> <p>6 are the second Department in the country in</p> <p>7 volume and we cannot afford any mistakes at any</p> <p>8 point for our patients.</p> <p>9 DR. FIRPA: I have no other</p> <p>10 questions.</p> <p>11 DR. WEINFELD: Dr. Varugheese.</p> <p>12</p> <p>13 CROSS-EXAMINATION BY DR. VARUGHESE:</p> <p>14</p> <p>15 Q How many times have you met me?</p> <p>16 A I met you at least three</p> <p>17 different times, on the first one being on May</p> <p>18 3rd, just a month after I arrived here, but</p> <p>19 having e-mails with you since mid-April.</p> <p>20 One of them on April 26th.</p> <p>21 Q April 26th, is that an exhibit?</p> <p>22 A I believe, yes, but anyway the</p> <p>23 first meeting was on May 3rd but we scheduled</p> <p>24 that meeting for May 3rd, of course.</p> <p>25 DR. BRONHEIM: When did you start</p>
<p style="text-align: right;">Page 267</p> <p>1 LEENA VARUGHESE</p> <p>2 suspension and termination.</p> <p>3 And I told her that at some</p> <p>4 point we were trying to avoid it, but that at</p> <p>5 some point we need to do the next steps and I</p> <p>6 asked her to review the letter to make sure</p> <p>7 that she read the final paragraph on the rights</p> <p>8 that she had, that she has definitely used</p> <p>9 today, and we conveyed the message that she was</p> <p>10 going to be escorted outside by security, but</p> <p>11 also that we have requested that -- I</p> <p>12 specifically had requested the presence of</p> <p>13 professional help in order if she wanted to</p> <p>14 have a member of our psychology psychiatry team</p> <p>15 being there for her to support that difficult</p> <p>16 moment and that I was concerned, I was</p> <p>17 concerned for her.</p> <p>18 Q Did you feel at that time that</p> <p>19 you had exhausted all the opportunities to give</p> <p>20 her an opportunity to redeem herself?</p> <p>21 A At this point I thought that</p> <p>22 there is nothing arbitrary and capricious on</p> <p>23 the issues we were taking, we had much</p> <p>24 documented the fact that the lack of integrity</p> <p>25 was there repetitively, that the disruption of</p>	<p style="text-align: right;">Page 269</p> <p>1 LEENA VARUGHESE</p> <p>2 here?</p> <p>3 THE WITNESS: April 1st.</p> <p>4 DR. BRONHEIM: That's pretty</p> <p>5 quick.</p> <p>6 Q So how many times have I</p> <p>7 mishandled a surgical pathology specimen?</p> <p>8 A On several occasions there have</p> <p>9 been reports of cases being delayed and in</p> <p>10 several cases.</p> <p>11 Q I mean mishandled or where a</p> <p>12 patient would suffer?</p> <p>13 A I don't have this information.</p> <p>14 Q Did you say that my self</p> <p>15 reflection exercise did not meet the</p> <p>16 requirements of the academic advisement?</p> <p>17 A No, it did not because we went</p> <p>18 over -- you essentially put a recount of a</p> <p>19 story that we wanted you to be further away and</p> <p>20 we asked you to produce something on</p> <p>21 professionalism.</p> <p>22 Q Okay.</p> <p>23 Are you aware of what the</p> <p>24 academic advisement says?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 270</p> <p>1 LEENA VARUGHESE</p> <p>2 Q I would like to refer to Exhibit</p> <p>3 3 on the Department.</p> <p>4 DR. WEINFELD: Department Exhibit</p> <p>5 3, okay.</p> <p>6 Q It's on Page 19, last point, it</p> <p>7 says, "Self reflection exercise to be handed</p> <p>8 into me within four weeks. You are expected to</p> <p>9 write down your account of the situation and</p> <p>10 describe how you could have approached things</p> <p>11 in a better fashion, including commentary on</p> <p>12 physician professionalism and explore it in</p> <p>13 this circumstance."</p> <p>14 I think my first reflection</p> <p>15 which is Exhibit 2 in my list, I think that</p> <p>16 particular reflection actually does address all</p> <p>17 points of the academic advisement.</p> <p>18 A So also in this --</p> <p>19 DR. WEINFELD: So what's the</p> <p>20 question?</p> <p>21 Q Do you agree that it addresses</p> <p>22 it or not?</p> <p>23 A We don't, and as a matter of</p> <p>24 fact, if you recall, to the first line on this</p> <p>25 very same page it says that this needs to be</p>	<p style="text-align: right;">Page 272</p> <p>1 LEENA VARUGHESE</p> <p>2 A What's the question?</p> <p>3 Q They never got back to me about</p> <p>4 the findings.</p> <p>5 DR. MARIN: I think that's to be</p> <p>6 dealt with, he's not part of that, so</p> <p>7 your question should pertain --</p> <p>8 DR. VARUGHESE: I am going to</p> <p>9 explain to him that.</p> <p>10 DR. WEINFELD: Right now he's a</p> <p>11 witness. You have to ask him questions.</p> <p>12 DR. BRONHEIM: You can tell us</p> <p>13 all of this in your discussion.</p> <p>14 Q So, at that meeting exactly to</p> <p>15 what extent were you aware of this particular</p> <p>16 reflection that I had written, did you read it</p> <p>17 already?</p> <p>18 A Yes, I did.</p> <p>19 Q Okay, good. Did Mr. Castaldi</p> <p>20 also read the --</p> <p>21 A Yes, he did. We read it</p> <p>22 actually also at the end together before we met</p> <p>23 you, because we were surprised at the points of</p> <p>24 professionalism from both of our parts didn't</p> <p>25 come up, it was mainly a recount of some of the</p>
<p style="text-align: right;">Page 271</p> <p>1 LEENA VARUGHESE</p> <p>2 done in three or four weeks and that was on</p> <p>3 March 30th and you were supposed to handle it</p> <p>4 in January 24th.</p> <p>5 Q Are you aware that I filed a</p> <p>6 grievance with the Human Resources Department</p> <p>7 of this hospital regarding this particular</p> <p>8 action taken against me, the academic</p> <p>9 advisement?</p> <p>10 A It was before my time and when I</p> <p>11 arrived it's for the reason I wanted to start</p> <p>12 fresh with you again.</p> <p>13 Q Would it be fair, understandable</p> <p>14 why it was delayed?</p> <p>15 I mean do you think there may be</p> <p>16 other reasons why it was delayed, not just</p> <p>17 my --</p> <p>18 A As an academic I can assure you</p> <p>19 I can understand a delay of one week, two</p> <p>20 weeks, three weeks, but in something that is to</p> <p>21 be in a month to wait three months and wait one</p> <p>22 day before I started, I don't see the excuse in</p> <p>23 that.</p> <p>24 Q Well, I filed a grievance with</p> <p>25 the Human Resources Department.</p>	<p style="text-align: right;">Page 273</p> <p>1 LEENA VARUGHESE</p> <p>2 events.</p> <p>3 Q Do you remember Mr. Costaldi was</p> <p>4 confused as to what the events were?</p> <p>5 A I don't recall.</p> <p>6 Q I mean you are saying that --</p> <p>7 DR. MARIN: I don't recall.</p> <p>8 He answered your question.</p> <p>9 A I recall him being very sharp, I</p> <p>10 don't recall him being confused.</p> <p>11 Q He seemed confused.</p> <p>12 So then I met with you again two</p> <p>13 weeks later, no, three weeks later, and you</p> <p>14 said I threw a book at you?</p> <p>15 A Yes.</p> <p>16 DR. WEINFELD: Is there a</p> <p>17 question?</p> <p>18 Q Describe how I threw the book at</p> <p>19 you?</p> <p>20 A I said did you read the book?</p> <p>21 What do you mean? This book? Yes, I read it</p> <p>22 and you through it, if you don't say -- how you</p> <p>23 call that?</p> <p>24 You didn't get up and say</p> <p>25 well --</p>

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<p style="text-align: right;">Page 274</p> <p>1 LEENA VARUGHESE</p> <p>2 Q That's not what happened, I just</p> <p>3 put the book down like this.</p> <p>4 DR. MARIN: You asked him to tell</p> <p>5 you what his reflection is. He's given</p> <p>6 it to us.</p> <p>7 DR. VARUGHESE: I am just saying</p> <p>8 I just placed it on his desk. If I</p> <p>9 threw it at him, it wasn't my intent to</p> <p>10 hurt him. I didn't do that.</p> <p>11 DR. MARIN: Questions and</p> <p>12 answers.</p> <p>13 Q So I gave you the second</p> <p>14 reflection, you read it and you said that you</p> <p>15 needed to consult the hospital's legal?</p> <p>16 A It was very similar to the same</p> <p>17 recounts, I thought that you were not following</p> <p>18 the kind of advice that you were given by</p> <p>19 several of the members of the Department and we</p> <p>20 thought that we needed to consult both with our</p> <p>21 colleagues in the Department and outside of the</p> <p>22 Department.</p> <p>23 Q So you wanted to consult the</p> <p>24 hospital's legal department, okay.</p> <p>25 So here is the thing --</p>	<p style="text-align: right;">Page 276</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: This is not a time</p> <p>3 for a statement.</p> <p>4 DR. BRONHEIM: You will have an</p> <p>5 opportunity to make a statement.</p> <p>6 Q Did you advise me as to what</p> <p>7 should go into the new reflection?</p> <p>8 A Of course we did, and we got the</p> <p>9 book for you and we read the book as well and</p> <p>10 of course I was I expected to know what was in</p> <p>11 the book, we said that we could buy it for you,</p> <p>12 you said you were going to get it.</p> <p>13 Q Did you buy me the book?</p> <p>14 A You said that you had it</p> <p>15 yourself, the book, and you went to the library</p> <p>16 to pick it up.</p> <p>17 Q It's not in the library, it's</p> <p>18 not available.</p> <p>19 DR. BRONHEIM: Did you obtain the</p> <p>20 book?</p> <p>21 DR. VARUGHESE: Yes, I have the</p> <p>22 book.</p> <p>23 Q You did e-mail me and you said</p> <p>24 future constructive --</p> <p>25 DR. LEITER: If you don't have a</p>
<p style="text-align: right;">Page 275</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: Hold it, questions.</p> <p>3 Q Question, question.</p> <p>4 So, you got the reflection, you</p> <p>5 said that you were going to consult --</p> <p>6 DR. MARIN: Is there a question?</p> <p>7 Q Do you recall me e-mailing you,</p> <p>8 or I actually e-mailed Dr. Lento to ask him</p> <p>9 exactly what should go into the second</p> <p>10 reflection.</p> <p>11 He never responded to me,</p> <p>12 then --</p> <p>13 DR. MARIN: Dr. Varughese you are</p> <p>14 supposed to ask him questions.</p> <p>15 Q You responded to me at some</p> <p>16 point and --</p> <p>17 DR. MARIN: We won't continue the</p> <p>18 proceedings if you can't follow in some</p> <p>19 sort of pattern that we can help you</p> <p>20 with.</p> <p>21 DR. WEINFELD: Take a minute,</p> <p>22 think about what you want to ask.</p> <p>23 I think there is a question.</p> <p>24 DR. VARUGHESE: I just want to</p> <p>25 make a statement.</p>	<p style="text-align: right;">Page 277</p> <p>1 LEENA VARUGHESE</p> <p>2 question, you are better off not listing</p> <p>3 it.</p> <p>4 Q Well, I asked Dr. Cordone-Cardo</p> <p>5 for advice, but I did not get adequate response</p> <p>6 back about what needs --</p> <p>7 DR. MARIN: Dr. Varughese, again,</p> <p>8 you are not asking, you can terminate</p> <p>9 your questions at this time if there is</p> <p>10 nothing else, and we can go on to the</p> <p>11 next witness.</p> <p>12 DR. VARUGHESE: Okay.</p> <p>13 DR. MARIN: Thank you.</p> <p>14 DR. WEINFELD: Thank you.</p> <p>15 MR. McEVOY: The Department</p> <p>16 rests.</p> <p>17 DR. WEINFELD: I would like to</p> <p>18 move that we take a two minute break</p> <p>19 because I think people need to answer</p> <p>20 pages.</p> <p>21 (At this point in the proceedings</p> <p>22 there was a recess, after which the</p> <p>23 hearing continued as follows:)</p> <p>24 DR. WEINFELD: Dr. Varughese, you</p> <p>25 will have the opportunity to present</p>

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<p>1 LEENA VARUGHESE</p> <p>2 your case, you can make an opening</p> <p>3 statement, call witnesses and we should</p> <p>4 proceed; it's getting late.</p> <p>5 DR. VARUGHESE: So I am just</p> <p>6 going to read a statement that I</p> <p>7 prepared to the best of my ability.</p> <p>8 So, ladies and gentlemen, members</p> <p>9 of the Board and the Department, and Mr.</p> <p>10 MacDonald from general counsel, so</p> <p>11 basically here is the story.</p> <p>12 So I was placed on academic</p> <p>13 advisement on December 21 of last year</p> <p>14 following an altercation with the previous</p> <p>15 Chief Resident, Samuel McCash where I felt</p> <p>16 that I was being physically and verbally</p> <p>17 intimidated, humiliated.</p> <p>18 This is as per house staff policy</p> <p>19 manual which is Exhibit 43, some of you</p> <p>20 may have it.</p> <p>21 And I believe pages 31 to 35 notes</p> <p>22 what is considered harassment in this</p> <p>23 hospital.</p> <p>24 I have attached my reflection of</p> <p>25 the event which is sort of details what</p>	<p>1 LEENA VARUGHESE</p> <p>2 And this is as of when I turned in</p> <p>3 my reflection which was in March and in</p> <p>4 April eventually I had to contact Human</p> <p>5 Resources to find out what their decision</p> <p>6 was.</p> <p>7 So basically before the resolution</p> <p>8 of this incident I had to meet with Dr.</p> <p>9 Lento on January 18th and I was continued</p> <p>10 to be on academic advisement at that</p> <p>11 point.</p> <p>12 Meanwhile Samuel McCash was not</p> <p>13 reprimanded at all, and that still stands</p> <p>14 to my knowledge.</p> <p>15 So, prior to this there was a</p> <p>16 previous incident with the Chief Resident</p> <p>17 where he shouted at me shut up, shut up,</p> <p>18 shut your mouth, repeatedly in front of my</p> <p>19 colleagues following a discussion of</p> <p>20 coverage for an away resident.</p> <p>21 He wanted to speak to me following</p> <p>22 this incident on his own during this</p> <p>23 conversation, he told me that no one liked</p> <p>24 me, that I would never find a job, no one</p> <p>25 is teaching me and that I won't be</p>
Page 279	Page 281
<p>1 LEENA VARUGHESE</p> <p>2 happened, but also discusses</p> <p>3 professionalism and how I would have</p> <p>4 approached things differently.</p> <p>5 DR. WEINFELD: Where is that?</p> <p>6 DR. VARUGHESE: That's Exhibit 2.</p> <p>7 DR. LEITER: I see it in 3.</p> <p>8 DR. VARUGHESE: 2 and 3, I was</p> <p>9 asked to the old reflection, write a new</p> <p>10 one.</p> <p>11 At this point I had requested a</p> <p>12 formal apology from Samuel McCash, as</p> <p>13 Chief Resident and a mediation regarding</p> <p>14 this particular incident and there was</p> <p>15 another incident, so I asked for</p> <p>16 mediation.</p> <p>17 None of this had occurred and at</p> <p>18 that point I was placed on academic</p> <p>19 advisement, like I mentioned before, so I</p> <p>20 made an official complaint to Human</p> <p>21 Resources when action was taken against me</p> <p>22 Human Resources performed an</p> <p>23 investigation of the matter but did not</p> <p>24 contact me to inform what their findings</p> <p>25 were.</p>	<p>1 LEENA VARUGHESE</p> <p>2 successful.</p> <p>3 I believe this behavior constituted</p> <p>4 an outright hostile work environment for</p> <p>5 me at that point.</p> <p>6 So I had sent an e-mail to the</p> <p>7 leadership of the Department of Pathology</p> <p>8 to address what had happened to me that</p> <p>9 morning.</p> <p>10 And how I considered what Samuel</p> <p>11 McCash was saying to me to be very hostile</p> <p>12 in attitude and also very discriminative</p> <p>13 towards me as a girl, as a woman, because</p> <p>14 I really don't think he would treat a man</p> <p>15 like that.</p> <p>16 So then I also spoke with the</p> <p>17 program director soon after, he made</p> <p>18 excuses for Samuel McCash saying sometimes</p> <p>19 people yell and that there is a place</p> <p>20 where people to be shouted at and that the</p> <p>21 bullying situation is that sometimes</p> <p>22 residents need to be told.</p> <p>23 He also said that the Department</p> <p>24 was a dysfunctional Department family and</p> <p>25 I was then accused of writing a diatribe</p>

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<p style="text-align: right;">Page 282</p> <p>1 LEENA VARUGHESE</p> <p>2 both on evaluation about surgical</p> <p>3 pathology.</p> <p>4 Essentially he effectively -- well,</p> <p>5 he indicated to me that in so many words</p> <p>6 that my rights won't be protected as long</p> <p>7 as he believed that I wrote a negative</p> <p>8 evaluation, and he felt more in line with</p> <p>9 the Chief Resident who was also his</p> <p>10 friend.</p> <p>11 So a lot of excuses were made and I</p> <p>12 essentially felt like there was no</p> <p>13 recourse for me to follow up on this</p> <p>14 particular matter and I just left it at</p> <p>15 that.</p> <p>16 That was in September and then</p> <p>17 following that I served on the ACGME</p> <p>18 review program to help the program prepare</p> <p>19 for the ACGME review and I was not asked</p> <p>20 to present the program to the ACGME for</p> <p>21 inspection, which is fine, but perhaps my</p> <p>22 evaluations were included for the ACGME</p> <p>23 evaluation, I hope so, but I'm not sure</p> <p>24 about that.</p> <p>25 But anyway the Department is</p>	<p style="text-align: right;">Page 284</p> <p>1 LEENA VARUGHESE</p> <p>2 necessitated because of the actions taken</p> <p>3 against me instead of some acknowledgment</p> <p>4 and mediation.</p> <p>5 And what I believe was a rather</p> <p>6 traumatizing event that occurred to me.</p> <p>7 The reflection also addressed my</p> <p>8 involvement in the event, so the</p> <p>9 reflection does accurately reflect what</p> <p>10 happened.</p> <p>11 I e-mailed Dr. Lento soon after the</p> <p>12 meeting to ask him to please state what</p> <p>13 your concerns are, and be specific as to</p> <p>14 what you would like for me to do.</p> <p>15 I did not receive a response to</p> <p>16 this e-mail. After review of the</p> <p>17 reflection written and submitted on March</p> <p>18 30, 2011 I decided that it accurately</p> <p>19 reflected with appropriate amount of</p> <p>20 insight.</p> <p>21 I met Dr. Lento and Dr.</p> <p>22 Cordone-Cardo and Mr. Costaldi again on</p> <p>23 May 24, 2011 and submitted the new</p> <p>24 reflection.</p> <p>25 I was prepared to discuss the book</p>
<p style="text-align: right;">Page 283</p> <p>1 LEENA VARUGHESE</p> <p>2 currently ACGME accredited and that's all</p> <p>3 wonderful and I'm very happy about that.</p> <p>4 So moving on, on 4/26/2011 I</p> <p>5 received an e-mail from Dr. Lento stating</p> <p>6 that a period of academic advisement had</p> <p>7 ended.</p> <p>8 I was then contacted by Basil</p> <p>9 Ocinto via e-mail to meet Dr.</p> <p>10 Cordone-Cardo, Lento and Mr. Castaldi and</p> <p>11 May 3, 2011 so at this meeting Dr.</p> <p>12 Cordone-Cardo, Dr. Lento and Mr. Costaldi</p> <p>13 were very confrontational and antagonistic</p> <p>14 towards me in their attitude and demeanor,</p> <p>15 they said that they felt that my</p> <p>16 reflection was not satisfactory in its</p> <p>17 tone and demonstrated a lack of insight</p> <p>18 and had to be recast.</p> <p>19 I calmly stated that the reflection</p> <p>20 addressed every point as mentioned in the</p> <p>21 letter of academic advisement and was an</p> <p>22 accurate portrayal of what had happened to</p> <p>23 me on the evening of December 8, 2010.</p> <p>24 The tone of my reflection which I</p> <p>25 believe is rather defensive was</p>	<p style="text-align: right;">Page 285</p> <p>1 LEENA VARUGHESE</p> <p>2 on professionalism by Steven Pesan at</p> <p>3 length, I was not given this opportunity</p> <p>4 at that point, and that's okay, since in</p> <p>5 light of all the issues.</p> <p>6 Basically I respectfully disagree</p> <p>7 with Dr. Lento and Dr. Cordone-Cardo that</p> <p>8 my reflections lack insight or</p> <p>9 professionalism and I demonstrated</p> <p>10 professionalism and restraint during all</p> <p>11 of my meetings.</p> <p>12 So, and of course I have a detailed</p> <p>13 record of all these meetings, if it comes</p> <p>14 to having to review that in the future.</p> <p>15 I have also retained legal counsel</p> <p>16 following April 20 -- April 2011 to advise</p> <p>17 me on the matter at hand, and I have also</p> <p>18 worked with several other lawyers</p> <p>19 including several consultations to protect</p> <p>20 myself from further punitive actions that</p> <p>21 may be taken by the hospital or the</p> <p>22 Department.</p> <p>23 So, following my second meeting</p> <p>24 with Dr. Cordone-Cardo, Dr. Lento and</p> <p>25 Mr. Costaldi, the law firm that I retained</p>

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<p style="text-align: right;">Page 286</p> <p>1 LEENA VARUGHESE</p> <p>2 at that point sent in a letter to the</p> <p>3 hospital on June 13, 2011 detailing the</p> <p>4 reasons why I have retained their</p> <p>5 services.</p> <p>6 Which to me is obviously the</p> <p>7 hostile work environment that I was</p> <p>8 experiencing at this point.</p> <p>9 Subsequently after this letter was</p> <p>10 sent in I was placed on disciplinary</p> <p>11 action on 7/14 -- on July 15th, sighting</p> <p>12 my second reflection as being inadequate</p> <p>13 and demonstrating lack of insight and</p> <p>14 several other issues that are not true,</p> <p>15 and that's also in the exhibit.</p> <p>16 Finally I would like to address the</p> <p>17 various points that were addressed that</p> <p>18 were noted in the summary of suspension</p> <p>19 letter, termination, suspension,</p> <p>20 termination.</p> <p>21 So basically there was a concern of</p> <p>22 duty and professionalism concerning two</p> <p>23 cytogenetics rotation, I believe we had an</p> <p>24 opportunity to speak with Dr. Najfeld, so</p> <p>25 basically my statement in response to that</p>	<p style="text-align: right;">Page 288</p> <p>1 LEENA VARUGHESE</p> <p>2 And then I believe I was</p> <p>3 professional and cordial with the staff</p> <p>4 and Dr. Najfeld at all times.</p> <p>5 The laboratory staff contacted me</p> <p>6 several times by e-mail asking me not to</p> <p>7 come in for very specific reasons, such as</p> <p>8 being on short staff, short staffing</p> <p>9 issues and also because their clinical</p> <p>10 responsibilities that they could not pay</p> <p>11 attention to my needs in terms of teaching</p> <p>12 me, what they do.</p> <p>13 On Thursday August 4, 2011 Dr.</p> <p>14 Najfeld was contacted by Dr. Firpa to more</p> <p>15 closely supervise my activities.</p> <p>16 She wrote an e-mail in response</p> <p>17 saying she was very busy implementing new</p> <p>18 equipment during that first week and that</p> <p>19 she did not have enough time to spend</p> <p>20 time, that she did not have enough time to</p> <p>21 spend with me.</p> <p>22 Following this Dr. Najfeld became</p> <p>23 more combative and berated me in front of</p> <p>24 the staff several times,</p> <p>25 I sometimes used a Blackberry</p>
<p style="text-align: right;">Page 287</p> <p>1 LEENA VARUGHESE</p> <p>2 particular statement is that clinical</p> <p>3 pathology rotations including cytogenetic</p> <p>4 rotations are "light rotations" or</p> <p>5 resident independent rotations regarding</p> <p>6 observation and understanding of</p> <p>7 laboratory tests and most importantly</p> <p>8 extensive reading.</p> <p>9 Many residents also use some of</p> <p>10 this time to prepare for the Board</p> <p>11 examination.</p> <p>12 When I began cytogenetics rotation,</p> <p>13 which is a two week rotation which began</p> <p>14 on 8/1/2011 and went on to 8/12/2011, I</p> <p>15 was asked by Dr. Najfeld to read a chapter</p> <p>16 written by herself in the Molecular</p> <p>17 Genetic Pathology Book by Dr. Sang.</p> <p>18 So I performed that task and spent</p> <p>19 some time reviewing the manuals and worked</p> <p>20 with the technologist observing how the</p> <p>21 cytogenetic testing was performed, and</p> <p>22 reviewed some basic principles of</p> <p>23 karyotyping during the first week.</p> <p>24 Please feel free to interview the</p> <p>25 laboratory staff if that's necessitated.</p>	<p style="text-align: right;">Page 289</p> <p>1 LEENA VARUGHESE</p> <p>2 device to take notes on research</p> <p>3 information, Dr. Najfeld took offense at</p> <p>4 this and I stopped doing that.</p> <p>5 Dr. Najfeld asked me to give a</p> <p>6 presentation on CML on Thursday for the</p> <p>7 following week, on Tuesday, this was</p> <p>8 Thursday 4/11 and for Tuesday 8/9, 11 on</p> <p>9 Monday, 8/8/11 which was the beginning of</p> <p>10 the final week of this rotation I spoke to</p> <p>11 Dr. Najfeld in the morning to review the</p> <p>12 rotation requirements for the first time.</p> <p>13 The day before I was to give my</p> <p>14 presentation on CML Dr. Najfeld wanted to</p> <p>15 review the presentation with me.</p> <p>16 However, she was away for most of</p> <p>17 the afternoon and gave no indication as to</p> <p>18 when she would return.</p> <p>19 I left the Department around 4:00</p> <p>20 p.m. or so, and e-mailed my presentation</p> <p>21 to her.</p> <p>22 I was on my -- on the subway back</p> <p>23 to my home in Brooklyn, Dr. Najfeld</p> <p>24 apparently called me and e-mailed me</p> <p>25 several times, but I was not able to</p>

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<p style="text-align: right;">Page 290</p> <p>1 LEENA VARUGHESE</p> <p>2 receive a call on the subway and I arrived</p> <p>3 at home around 5:40 or so, and I called, I</p> <p>4 tried to return her e-mails.</p> <p>5 I must also note actually the first</p> <p>6 week on Friday she wasn't at work, she was</p> <p>7 working from home, so, in fact, she may</p> <p>8 have gotten the e-mail on Thursday, but</p> <p>9 she actually didn't speak to me on Friday</p> <p>10 because -- and she had to speak to me on</p> <p>11 Monday because she was working from home</p> <p>12 on Friday.</p> <p>13 So anyway, going back, when I</p> <p>14 returned home I noted the e-mail messages</p> <p>15 and contacted her immediately.</p> <p>16 She said that the presentation was</p> <p>17 not ready due to my stylistic preferences</p> <p>18 in discussing the case and certain minor</p> <p>19 errors.</p> <p>20 I asked her to e-mail me or simply</p> <p>21 tell me what the issue was, but she wanted</p> <p>22 me to return to her office.</p> <p>23 It was rather late and it was out</p> <p>24 of the question that I return from before</p> <p>25 6:00 from my home in Brooklyn, it takes me</p>	<p style="text-align: right;">Page 292</p> <p>1 LEENA VARUGHESE</p> <p>2 for CP. It's not a very formal event.</p> <p>3 So, the presentation was postponed</p> <p>4 to the next week, the following week the</p> <p>5 case was discussed at length in</p> <p>6 conjunction with the hemopath resident who</p> <p>7 was on the hemopath service who had also</p> <p>8 needed time to form the case and present</p> <p>9 as well.</p> <p>10 Overall the presentation was well</p> <p>11 done and well received, I had attached the</p> <p>12 presentation, as Exhibit 25, Dr. Najfeld</p> <p>13 also gave no indication that my</p> <p>14 performance was unsatisfactory at the end</p> <p>15 of this rotation.</p> <p>16 I believe I did the best job I</p> <p>17 could give in the short time on this</p> <p>18 rotation and added pressure to serve or</p> <p>19 function on other services.</p> <p>20 The point 2, duty concerns</p> <p>21 regarding coverage.</p> <p>22 So frozen section coverage on</p> <p>23 August 5th, I was asked to cover frozen</p> <p>24 section service for an absent resident on</p> <p>25 August 4th.</p>
<p style="text-align: right;">Page 291</p> <p>1 LEENA VARUGHESE</p> <p>2 approximately 30 minutes to get back.</p> <p>3 Then on the morning of the</p> <p>4 presentation at 7:00 a.m. Dr. Najfeld</p> <p>5 e-mailed me stating she did not want me to</p> <p>6 make the presentation, even though I was</p> <p>7 prepared to do so, she also asked me to</p> <p>8 inform other attendees that I would not</p> <p>9 present.</p> <p>10 The presentation was postponed to</p> <p>11 the next week, also the CP core conference</p> <p>12 tends to have more than one conference</p> <p>13 that gets presented so there is often me</p> <p>14 and several other people who present.</p> <p>15 People may attend depending on the</p> <p>16 number of conferences that are being</p> <p>17 presented, and it's not always common</p> <p>18 knowledge who is presenting, what is the</p> <p>19 interesting case conference that we can,</p> <p>20 so people do tend to show up at 9:00 a.m.</p> <p>21 anyway and just are ready to discuss any</p> <p>22 issues you have or any interesting</p> <p>23 clinical pathology cases that have come</p> <p>24 up.</p> <p>25 So that's one hour available time</p>	<p style="text-align: right;">Page 293</p> <p>1 LEENA VARUGHESE</p> <p>2 I said that I would not be able to</p> <p>3 do so without giving an elaborate</p> <p>4 explanation as to why to the Chief</p> <p>5 Resident.</p> <p>6 Basically I was not able to elevate</p> <p>7 my arm because I had slept on it the wrong</p> <p>8 way and my arm was numb for days. It</p> <p>9 never happened to me before, so as such I</p> <p>10 could not cover the frozen section service</p> <p>11 for that day.</p> <p>12 I was sent an e-mail by Dr. Jordan</p> <p>13 the co-Chief Resident who was on rotation</p> <p>14 at this point that I needed to provide a</p> <p>15 doctor's note documenting this injury.</p> <p>16 This is not something that can be</p> <p>17 easily done, and especially if I am at</p> <p>18 work, or so I wasn't able to do that, but</p> <p>19 I explained to her that I tried to explain</p> <p>20 to her that this particular -- I had this</p> <p>21 particular injury, that's why I'm not able</p> <p>22 to cover that particular day.</p> <p>23 So, she wanted me to -- so I found</p> <p>24 that her request for me to -- and this is</p> <p>25 not a call coverage, this is mainly every</p>

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Page 294	Page 296
<p>1 LEENA VARUGHESE</p> <p>2 day duty coverage, and actually at this</p> <p>3 point the service tends to be mostly</p> <p>4 resident dependent as well, the frozen</p> <p>5 sections because there is a technologist</p> <p>6 who does some of the work, but personally</p> <p>7 for me I just couldn't cut the specimens</p> <p>8 and some of those duties would require</p> <p>9 some manual dexterity.</p> <p>10 So anyway, so I found the request</p> <p>11 for a doctor's note rather unreasonable,</p> <p>12 because I did go to work that day for</p> <p>13 cytogenetics rotation and I was working</p> <p>14 with the staff there.</p> <p>15 Dr. Najfeld was not there that day,</p> <p>16 and anyway in order for me to get a -- so</p> <p>17 I just thought it was unreasonable because</p> <p>18 I would have to leave work and get a note.</p> <p>19 I also did -- I didn't change my</p> <p>20 rationale for refusing the assignment, and</p> <p>21 I did not believe I was dishonest or</p> <p>22 insubordinate in these matters.</p> <p>23 I mentioned at a later date that I</p> <p>24 did not think that it is ideal for me to</p> <p>25 have to lose out on the limited time on CP</p>	<p>1 LEENA VARUGHESE</p> <p>2 an away in Pennsylvania.</p> <p>3 Dr. Jordan did not ask me to reply</p> <p>4 to her, you can check the e-mail, it was a</p> <p>5 little bit -- it was one of Elizabeth's</p> <p>6 but she doesn't specifically ask me to</p> <p>7 respond to her, and since I had this</p> <p>8 discussion with her the Friday before</p> <p>9 about the new policies in the Department,</p> <p>10 I had a chance to review it and I decided</p> <p>11 okay, if she says that I have to cover, it</p> <p>12 just means that I am going to have to</p> <p>13 cover, if I couldn't, I would have to tell</p> <p>14 her.</p> <p>15 Her rationale is that I'm not</p> <p>16 telling her that I'm covering, but I</p> <p>17 didn't think it was up to me at this</p> <p>18 point, because I have to cover.</p> <p>19 Anyway, so there was -- I</p> <p>20 acknowledged her e-mail and I planned to</p> <p>21 cover the service, if I was unable to</p> <p>22 cover the service of course I would have</p> <p>23 informed her.</p> <p>24 But you have to also remember that</p> <p>25 I have other responsibilities such as</p>
Page 295	Page 297
<p>1 LEENA VARUGHESE</p> <p>2 rotations to cover AP service, similarly</p> <p>3 because CP service is about 18 months and</p> <p>4 AP service is about 36 months.</p> <p>5 Personally I am not even -- I don't</p> <p>6 think I am getting actually 18 months of</p> <p>7 CP even though it's being stated that it</p> <p>8 is CP by Dr. Lento.</p> <p>9 So, I really am concerned that I</p> <p>10 have the adequate time that I need for CP.</p> <p>11 And last year there was a strict</p> <p>12 prohibition of course within reason from</p> <p>13 asking a senior resident on CP service to</p> <p>14 cover AP services.</p> <p>15 And this is not meaning like you</p> <p>16 can't teach, of course, as a senior</p> <p>17 resident you have to go and teach and do</p> <p>18 all that, but from saying that you're</p> <p>19 assigned to like the service if you really</p> <p>20 need that requirement.</p> <p>21 Finally, point 2, surgical coverage</p> <p>22 on August 12th, so basically on August 12,</p> <p>23 2011 I was asked to cover the surgical</p> <p>24 pathology service by an e-mail from</p> <p>25 Dr. Jordan, the Chief Resident who was on</p>	<p>1 LEENA VARUGHESE</p> <p>2 going to cytogenetics so I had to meet</p> <p>3 with Dr. Najfeld for the exit interview</p> <p>4 which I expected would be somewhat</p> <p>5 challenging.</p> <p>6 I needed to prepare for this, I</p> <p>7 spoke to her briefly regarding what I had</p> <p>8 learned while I was on cytogenetics for</p> <p>9 two weeks and she asked me questions on</p> <p>10 techniques and methods in cytogenetics,</p> <p>11 principles in cytogenetics and also</p> <p>12 specific translocations associated with</p> <p>13 different diseases, she also had me</p> <p>14 complete the karyotype for the case that I</p> <p>15 had to present, and I feel that at this</p> <p>16 point I was ready to karyotype a case</p> <p>17 somewhat competently.</p> <p>18 So it was good that I didn't</p> <p>19 present the case because before that I</p> <p>20 would not have been able to karyotype this</p> <p>21 case anyway, so I karyotyped the case and</p> <p>22 I presented the same case the following</p> <p>23 Tuesday.</p> <p>24 During the midst of this Dr. Lento</p> <p>25 calls cytogenetics lab and accuses me of</p>

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<p style="text-align: right;">Page 298</p> <p>1 LEENA VARUGHESE</p> <p>2 not answering his pages. I never received</p> <p>3 these pages and I apologized to him if he</p> <p>4 had paged me and I did not call him back.</p> <p>5 He then asked me if I knew that I</p> <p>6 was covering and I said yes, I would be</p> <p>7 covering for the afternoon and I also felt</p> <p>8 confident that Dr. Lento would relay this</p> <p>9 appropriate message to Adrienne Jordan and</p> <p>10 I proceeded to work on my cytogenetics</p> <p>11 rotations at that point.</p> <p>12 Point 3, unprofessional response to</p> <p>13 request for change of elective rotation.</p> <p>14 So on August 3, 2011 I requested a</p> <p>15 change from GI pathology to dermatopath</p> <p>16 directly to Dr. Firpa,</p> <p>17 I was told by Dr. Firpa that the</p> <p>18 change would be fine if he had clearance</p> <p>19 from Dr. Blejwas and that he would contact</p> <p>20 her the following day.</p> <p>21 I spoke to him again on August 24th</p> <p>22 of 2011 and he said that he was busy and</p> <p>23 was not able to consider the request --</p> <p>24 consider my request to switch to</p> <p>25 dermatopath.</p>	<p style="text-align: right;">Page 300</p> <p>1 LEENA VARUGHESE</p> <p>2 that was fine, I figured okay, you know,</p> <p>3 it's an elective, great, I'll just do the</p> <p>4 elective at this point.</p> <p>5 But I was e-mailed on like a day</p> <p>6 following that or two days following that</p> <p>7 by Dr. Jordan stating that Dr. Firpa had</p> <p>8 spoken to her about the GI elective and if</p> <p>9 I wanted to switch it I would have to</p> <p>10 speak to Dr. You, who was the only person</p> <p>11 who could switch with me, it was just very</p> <p>12 confusing for me and she just mandated</p> <p>13 that I only speak with Dr. You, I only</p> <p>14 e-mail him with Dr. Firpa cc'd.</p> <p>15 And she stated I couldn't directly</p> <p>16 approach Dr. You or talk to him or talk to</p> <p>17 any other residents in the Department.</p> <p>18 That event effectively prevents me</p> <p>19 from doing my job, if there are other</p> <p>20 residents interested in doing the</p> <p>21 elective, that means I can switch to a</p> <p>22 different elective, but Dr. Adrienne</p> <p>23 Jordan is basically saying that I am only</p> <p>24 allowed to talk to Dr. You, she is the</p> <p>25 only person who can switch with you and</p>
<p style="text-align: right;">Page 299</p> <p>1 LEENA VARUGHESE</p> <p>2 Finally, my request was denied on</p> <p>3 September 7th.</p> <p>4 I spoke to Dr. Firpa in person to</p> <p>5 discuss why my request was denied, and he</p> <p>6 initially told me that Dr. Blejwas had</p> <p>7 approved my request.</p> <p>8 I had also spoken to Dr. Harpaz</p> <p>9 several times at this point, I spoke to</p> <p>10 him on August 24th because I was on call</p> <p>11 at the hospital, so I spoke to him about</p> <p>12 5:30 or so, and then I spoke to him again</p> <p>13 on September 1st when I arrived back at</p> <p>14 the hospital.</p> <p>15 So he had told me that he was</p> <p>16 amenable to me changing from GI pathology</p> <p>17 to any other elective of my choosing, as</p> <p>18 long as he had coverage.</p> <p>19 So, basically I talked to Dr.</p> <p>20 Harpaz and he said that he was amenable to</p> <p>21 my request if he had a medical student or</p> <p>22 resident who was on the service, but any</p> <p>23 way I just accepted at this point that my</p> <p>24 request was denied and I was going to have</p> <p>25 to do GI whether I liked it or not, and</p>	<p style="text-align: right;">Page 301</p> <p>1 LEENA VARUGHESE</p> <p>2 you have to do it in this particular</p> <p>3 format; don't approach this person.</p> <p>4 I mean it's just rather strange.</p> <p>5 Anyway, so anyway so I spoke with</p> <p>6 Dr. Firpa that day, that was around</p> <p>7 lunchtime, he claims that I was being</p> <p>8 loud, but when I left his office he said I</p> <p>9 can -- he has an open door policy and I</p> <p>10 can bring my concerns to him in the</p> <p>11 future.</p> <p>12 So I just thought we left</p> <p>13 everything off on a nice cordial note, not</p> <p>14 necessarily that he was very upset with me</p> <p>15 and he felt that I was yelling at him.</p> <p>16 So anyway, eventually I spoke to</p> <p>17 Dr. Elise Suarez who was the GI fellow at</p> <p>18 the moment, and I made arrangements with</p> <p>19 her for the week of October 2nd because I</p> <p>20 wanted to attend the Ossler, I imagine</p> <p>21 even if I were to be on GI elective I</p> <p>22 would be allowed to attend the Ossler</p> <p>23 review course, which was coming up soon,</p> <p>24 so I made arrangements with her and she</p> <p>25 said that was fine, she's happy to cover</p>

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Page 302	Page 304
<p>1 LEENA VARUGHESE</p> <p>2 for one week, and then basically I found</p> <p>3 out when I got the summary suspension</p> <p>4 that, you know, this was all misconstrued</p> <p>5 as being unresolved.</p> <p>6 Anyway moving on, Moore conference</p> <p>7 attendance and adherence to departmental</p> <p>8 policy.</p> <p>9 On August 29, 2011 I was sent an</p> <p>10 e-mail stating I had not attended 80</p> <p>11 percent of the conferences during period</p> <p>12 2.</p> <p>13 This new conference attendance</p> <p>14 policy was instituted on on August 15th by</p> <p>15 Dr. Adrienne Jordan as I had signed an</p> <p>16 acknowledgment of receipt and I also</p> <p>17 submitted and signed the acknowledgment of</p> <p>18 receiving and reviewing this new policies</p> <p>19 on August 15th.</p> <p>20 Dr. Adrienne Jordan, the co-Chief,</p> <p>21 was not at the hospital for that period</p> <p>22 and Dr. Elizabeth Morency, the other Chief</p> <p>23 Resident, was on vacation for the first</p> <p>24 two weeks of this rotation.</p> <p>25 On September 13, 2011 I called out</p>	<p>1 LEENA VARUGHESE</p> <p>2 didn't present at the conference.</p> <p>3 It states that, there was an e-mail</p> <p>4 sent to me by Dr. Hughes of the physician</p> <p>5 wellness committee that states that its</p> <p>6 because I didn't present at a conference.</p> <p>7 It's one of my exhibits. So that's</p> <p>8 Exhibit 21.</p> <p>9 The fellow, Dr. Robert Guarino who</p> <p>10 was initially assigned to present on</p> <p>11 August 14th and given ample time to</p> <p>12 prepare, I believe that was 15th,</p> <p>13 September 15th and given ample time to</p> <p>14 prepare, attended the conference and did</p> <p>15 not present that day, that morning.</p> <p>16 I did not believe my inability to</p> <p>17 present a conference on a very short</p> <p>18 notice is a fair reason for referral to</p> <p>19 the physicians wellness committee.</p> <p>20 The fellow who was initially</p> <p>21 supposed to present and was in attendance</p> <p>22 was not referred to the physician wellness</p> <p>23 committee for not presenting.</p> <p>24 Poor communication regarding leave</p> <p>25 of absence.</p>
Page 303	Page 305
<p>1 LEENA VARUGHESE</p> <p>2 sick, however I had hoped that I would</p> <p>3 recover and present a brief surgical</p> <p>4 pathology lecture.</p> <p>5 Dr. Adrienne Jordan was not</p> <p>6 satisfied with the topic and wanted me to</p> <p>7 present on some other list of topics,</p> <p>8 I did not have the adequate time to</p> <p>9 prepare a new presentation when I wasn't</p> <p>10 feeling well, the following day, September</p> <p>11 14th I did not feel significantly better</p> <p>12 so I called out sick again.</p> <p>13 Soon after on September 14th when I</p> <p>14 was out sick I was sent another e-mail</p> <p>15 stating I had to present on September 15th</p> <p>16 because a fellow who had been scheduled to</p> <p>17 present for several months prior would not</p> <p>18 be presenting.</p> <p>19 I attended the September 15th</p> <p>20 conference but I could not present because</p> <p>21 I did not have adequate time to prepare</p> <p>22 the presentation.</p> <p>23 Following this the Department</p> <p>24 decided to refer me to physician wellness</p> <p>25 committee for the second time because I</p>	<p>1 LEENA VARUGHESE</p> <p>2 Dr. Firpa did not meet with me to</p> <p>3 discuss an early departure from the</p> <p>4 residence conference on Thursday as</p> <p>5 mentioned above.</p> <p>6 Later that morning on September</p> <p>7 15th, Dr. Firpa asked me how I was</p> <p>8 feeling, I had taken two sick days</p> <p>9 previously and I said that I was well, but</p> <p>10 I was considering taking a month off</p> <p>11 through the Family Medical Leave Act, if</p> <p>12 it can be approved by the hospital and by</p> <p>13 my doctors.</p> <p>14 He stated that it may be a good</p> <p>15 idea, he said that I had a lot of</p> <p>16 potential and that I'm an excellent</p> <p>17 resident, he stated that in the meantime</p> <p>18 he wanted nothing more than for myself to</p> <p>19 be able to work on hemopath without</p> <p>20 additional stressors.</p> <p>21 He stated that he would e-mailing</p> <p>22 Dr. Jordan and would communicate directly</p> <p>23 with me.</p> <p>24 I also shared with him that I spoke</p> <p>25 to my doctor already and that it would be</p>

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<p style="text-align: right;">Page 306</p> <p>1 LEENA VARUGHESE</p> <p>2 at least one week before I could obtain an</p> <p>3 appointment.</p> <p>4 So, Dr. Firpa was aware that it</p> <p>5 would take me at least one week to obtain</p> <p>6 an appointment with my doctor.</p> <p>7 Dr. Firpa apparently misconstrued</p> <p>8 this information and he sent me an e-mail</p> <p>9 and that's Exhibit 26, this e-mail was</p> <p>10 sent to me on Thursday, at 3:51 p.m. by</p> <p>11 Dr. Firpa, the other individual cc'd on</p> <p>12 this e-mail is Bruce Peterson, Shema</p> <p>13 Patel, Patrick Lento and Karen Tiger</p> <p>14 Paillex.</p> <p>15 I continued with my work for the</p> <p>16 remainder of the day.</p> <p>17 The following day, September 16th,</p> <p>18 I arrived at 9:00 a.m. and continued with</p> <p>19 the work for the day.</p> <p>20 I received an extremely unusual</p> <p>21 e-mail that afternoon from Dr. Firpa which</p> <p>22 made little sense when compared to the</p> <p>23 e-mail he sent to me the day before.</p> <p>24 And this e-mail is exhibit -- one</p> <p>25 of the exhibits from the Department.</p>	<p style="text-align: right;">Page 308</p> <p>1 LEENA VARUGHESE</p> <p>2 Hughes who stated that physician wellness</p> <p>3 committee would like to speak to me.</p> <p>4 Due to these confusing messages and</p> <p>5 e-mails, I called my doctor and asked</p> <p>6 specifically if I could proceed with the</p> <p>7 family medical leave of absence, she's a</p> <p>8 psychiatrist, called to inform me to speak</p> <p>9 to my primary care doctor.</p> <p>10 At that point I took her advice and</p> <p>11 spoke to my primary care physician who has</p> <p>12 known me as a patient for several years.</p> <p>13 I talked with him at length about</p> <p>14 my health and work related stressors.</p> <p>15 After much consideration his opinion was</p> <p>16 that the family medical leave of absence</p> <p>17 is not necessarily warranted.</p> <p>18 He said that if all my concerns</p> <p>19 were due to work related stress, to please</p> <p>20 call the psychiatrist again.</p> <p>21 So I spoke to my psychiatrist again</p> <p>22 and she refused to grant me a leave of</p> <p>23 absence after a lengthy phone conference.</p> <p>24 I did not attempt to leave, I did</p> <p>25 not attempt to obtain a third opinion, at</p>
<p style="text-align: right;">Page 307</p> <p>1 LEENA VARUGHESE</p> <p>2 So this is Exhibit 16 from the</p> <p>3 Department. So e-mail sent the next</p> <p>4 afternoon.</p> <p>5 Which basically the sentiment and</p> <p>6 the tone is completely opposite of the</p> <p>7 e-mail he he sent to me the day before.</p> <p>8 He stated that I needed a doctor's</p> <p>9 note to attend work. He wanted doctor's</p> <p>10 notes for my previous sick days to be in</p> <p>11 the hospital.</p> <p>12 As you are well aware and we have</p> <p>13 discussed this, the HR policy, the</p> <p>14 hospital policy is doctor's notes are only</p> <p>15 required for three consecutive sick days</p> <p>16 or if there is a call coverage issue and</p> <p>17 call is is not covered.</p> <p>18 I received an e-mail from</p> <p>19 Dr. Jordan also stating that this was the</p> <p>20 case.</p> <p>21 Then shortly after I received a</p> <p>22 page, the same day I received a page when</p> <p>23 I was in the hospital I returned that page</p> <p>24 but no one answered and then around 5:30</p> <p>25 p.m. I noted several e-mails from Dr.</p>	<p style="text-align: right;">Page 309</p> <p>1 LEENA VARUGHESE</p> <p>2 this point I resolved myself to having to</p> <p>3 work through this particular situation.</p> <p>4 I did not make any attempts to</p> <p>5 mislead or misrepresent my intentions</p> <p>6 regarding the family medical leave of</p> <p>7 absence to Dr. Firpa, Human Resources,</p> <p>8 physicians wellness committee, medical</p> <p>9 education, Ms. Patel, et cetera.</p> <p>10 In fact, I informed HR, Mr. Robert</p> <p>11 Maglione, who is the administrative</p> <p>12 assistant to Karen Tiger, that my</p> <p>13 physicians have all denied me family</p> <p>14 medical leave of absence. This is on</p> <p>15 Tuesday, around noon.</p> <p>16 In the meantime, they all sent me</p> <p>17 e-mails, left voice mails and so on</p> <p>18 stating that their sentiment regarding my</p> <p>19 right to be at work is that I do not have</p> <p>20 the right to be at work.</p> <p>21 In this particular circumstance I</p> <p>22 felt the best course of action for me was</p> <p>23 to follow hospital policy and be present</p> <p>24 at work unless I was going to take a sick</p> <p>25 day or be not at the hospital if I felt</p>

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<p>1 LEENA VARUGHESE</p> <p>2 ill.</p> <p>3 I do have the right to request</p> <p>4 family medical leave of absence for</p> <p>5 personal health problems, I think that the</p> <p>6 Federal Law states that it can be up to 12</p> <p>7 months.</p> <p>8 There are portions that are covered</p> <p>9 by the health insurance or without pay, I</p> <p>10 felt that my request was not unreasonable</p> <p>11 but the communication and befuddlement</p> <p>12 were all a production of Dr. Firpa and Ms.</p> <p>13 Patel.</p> <p>14 This has been a problem for me with</p> <p>15 Dr. Firpa over the past few months and</p> <p>16 this is a discussion that I had already</p> <p>17 had with Dr. Barnett on September 11,</p> <p>18 2011.</p> <p>19 So, going to 6, an incident in Ms.</p> <p>20 Patel's office.</p> <p>21 I spoke to Ms. Patel on September</p> <p>22 19th, 2011 with Ms. Kim Berlin present</p> <p>23 regarding the family medical leave.</p> <p>24 Around 4:30 p.m., Ms. Patel didn't</p> <p>25 verify the date and sign the forms that</p>	<p>1 LEENA VARUGHESE</p> <p>2 She came in soon after and accused</p> <p>3 me of looking at confidential information,</p> <p>4 she stated that everything in her office</p> <p>5 was confidential, at which point I was</p> <p>6 once again bewildered by the incongruency</p> <p>7 of the situation, in regard to -- and her</p> <p>8 disregard of my plans for the day which</p> <p>9 was attending the conference and carry on.</p> <p>10 Anyway, I had no intention of</p> <p>11 rising from my chair and exploring all the</p> <p>12 documents in her office, I simply looked</p> <p>13 at the folder that was in front of me very</p> <p>14 briefly.</p> <p>15 Finally, Ms. Tiger Paillex rang Ms.</p> <p>16 Patel at which point Ms. Patel insisted</p> <p>17 that I walk over to HR office to meet with</p> <p>18 myself, Tiger Paillex, I was effectively</p> <p>19 incredulous at the turn of events and</p> <p>20 summarily dumbfounded by the turn of the</p> <p>21 day.</p> <p>22 Ms. Tiger Paillex wanted</p> <p>23 Mr. Johnson or the GME to attend the</p> <p>24 meeting and waited, wanted me to wait for</p> <p>25 him, however the meeting ensued shortly,</p>
Page 311	Page 313
<p>1 LEENA VARUGHESE</p> <p>2 they should have, that the hospital should</p> <p>3 have when she gave me the form an</p> <p>4 9/15/2011.</p> <p>5 The following day I saw Ms. Patel</p> <p>6 at the Starbucks and I said hello to be</p> <p>7 polite and she started being extremely</p> <p>8 confrontational</p> <p>9 she said I cannot attend the</p> <p>10 morning conference at 8:00 a.m, she then</p> <p>11 asked me to go to her office and she</p> <p>12 wouldn't allow me to leave.</p> <p>13 I asked her repeatedly what the</p> <p>14 issue was and whether or not I could</p> <p>15 attend the 8:00 a.m. conference. She kept</p> <p>16 making several phone calls to Ms. Tiger,</p> <p>17 Dr. Firpa and so on.</p> <p>18 While I simply waited there in her</p> <p>19 office. She left the office and stepped</p> <p>20 out for a very long time to assist a young</p> <p>21 man to a nearby office, the door to her</p> <p>22 office was open as I waited there, there</p> <p>23 was a folder on her desk next to where I</p> <p>24 placed my coffee which I leafed through</p> <p>25 with no ulterior motive.</p>	<p>1 LEENA VARUGHESE</p> <p>2 they essentially interrogated me regarding</p> <p>3 my presence at work, then I'm supposed --</p> <p>4 when I'm supposed to see the doctor,</p> <p>5 forced me essentially to speak to Dr.</p> <p>6 Hughes on the physician wellness committee</p> <p>7 and essentially treated me like a</p> <p>8 criminal.</p> <p>9 I managed to maintain my reasonable</p> <p>10 and calm nature and spoke to them.</p> <p>11 I answered all their questions to</p> <p>12 the best of my ability, and also I would</p> <p>13 like to point out that I do have the house</p> <p>14 staff policy manual here and in that the</p> <p>15 family medical leave of absence can be</p> <p>16 foreseeably asked up to 30 days in</p> <p>17 advance, and it can be planned.</p> <p>18 So I believe there isn't a real</p> <p>19 issue with how I communicated with them on</p> <p>20 this particular issue.</p> <p>21 So anyway, in conclusion, I am a</p> <p>22 fourth year resident in the final year of</p> <p>23 training, the most arduous part of the</p> <p>24 pathology residency training is surgical</p> <p>25 pathology rotations or the AP part, where</p>

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<p style="text-align: right;">Page 314</p> <p>1 LEENA VARUGHESE</p> <p>2 the resident is required to grow, render</p> <p>3 diagnostic information in conjunction with</p> <p>4 attending pathologists.</p> <p>5 To date I have yet to be aware of</p> <p>6 how or where I have mismanaged any case</p> <p>7 that has affected patient's outcome, and I</p> <p>8 have not.</p> <p>9 So many of the attendings that I</p> <p>10 work with say that I have well studied my</p> <p>11 cases usually and I use clinical and</p> <p>12 pathological correlation appropriately to</p> <p>13 render the pathologic diagnosis.</p> <p>14 I was on call many times and</p> <p>15 attendings trust me to render frozen</p> <p>16 section diagnosis independently with their</p> <p>17 approval, many of my evaluations including</p> <p>18 my most recent surgical pathology</p> <p>19 evaluations are very positive.</p> <p>20 I believe that I satisfactorily</p> <p>21 completed all my rotations to this point</p> <p>22 despite the stress, scrutiny and</p> <p>23 hostility directed at me.</p> <p>24 I would like to call witnesses to</p> <p>25 expand on all these points, but I believe</p>	<p style="text-align: right;">Page 316</p> <p>1 LEENA VARUGHESE</p> <p>2 Tuesday, so basically I was sent an</p> <p>3 e-mail by Dr. Firpa stating that okay,</p> <p>4 in the last --</p> <p>5 DR. MARIN: You can let that go.</p> <p>6 DR. VARUGHESE: Here is the</p> <p>7 thing, I'm getting conflicting messages</p> <p>8 from Dr. Firpa, this has exactly been my</p> <p>9 problem.</p> <p>10 DR. MARIN: We read the message</p> <p>11 there was at least one statement that</p> <p>12 was clear in that proposed letter that</p> <p>13 said you were not to come in until that</p> <p>14 was resolved.</p> <p>15 I will just ask one question, it</p> <p>16 was your intention to come in?</p> <p>17 DR. VARUGHESE: It was my</p> <p>18 intention to come into work.</p> <p>19 DR. MARIN: The next question is</p> <p>20 you looked at one of the files, is that</p> <p>21 correct, without question, you were in</p> <p>22 the office, you opened the file that</p> <p>23 didn't belong to you, is that true or</p> <p>24 not true?</p> <p>25 DR. VARUGHESE: That is true.</p>
<p style="text-align: right;">Page 315</p> <p>1 LEENA VARUGHESE</p> <p>2 the only witness that I have here is Ms.</p> <p>3 Karen Tiger Paillex.</p> <p>4 DR. WEINFELD: You want to call</p> <p>5 the witness?</p> <p>6 DR. VARUGHESE: Yes.</p> <p>7 MR. McEVROY: No questions.</p> <p>8 DR. MARIN: I would like to ask</p> <p>9 some brief questions.</p> <p>10 It came to me as I was listening to</p> <p>11 you that the issue when you were in</p> <p>12 Starbucks you had received prior to that</p> <p>13 you had received a statement you were not</p> <p>14 to return to work.</p> <p>15 When you were in Starbucks, were</p> <p>16 you planning on coming back into the</p> <p>17 hospital or were you just happened to be</p> <p>18 at Starbucks and then you were recruited</p> <p>19 to come to Ms. Patel's office?</p> <p>20 Was it your intention to come into</p> <p>21 the hospital that day?</p> <p>22 DR. VARUGHESE: Yes.</p> <p>23 DR. BRONHEIM: Even though you</p> <p>24 were told to leave?</p> <p>25 DR. VARUGHESE: Well, this is</p>	<p style="text-align: right;">Page 317</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: What did the file</p> <p>3 say?</p> <p>4 DR. VARUGHESE: I wasn't trying</p> <p>5 to find anything.</p> <p>6 DR. MARIN: I understand, but</p> <p>7 what did you see?</p> <p>8 DR. VARUGHESE: I don't -- I</p> <p>9 didn't even really read anything.</p> <p>10 DR. MARIN: Did you think it was</p> <p>11 wrong that you did that?</p> <p>12 And do you think it was wrong now?</p> <p>13 At the time was it wrong and do you</p> <p>14 think you were wrong at this time?</p> <p>15 DR. VARUGHESE: I wasn't trying</p> <p>16 to look at confidential information.</p> <p>17 DR. MARIN: I'm not asking you</p> <p>18 that.</p> <p>19 Do you think that having done that,</p> <p>20 looked at that file at the time was wrong</p> <p>21 and now after consideration do you think</p> <p>22 it's wrong today?</p> <p>23 DR. VARUGHESE: I mean at the</p> <p>24 time I didn't think I was doing anything</p> <p>25 wrong.</p>

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Page 318	Page 320
<p>1 LEENA VARUGHESE</p> <p>2 DR. MARIN: Okay, how about</p> <p>3 today?</p> <p>4 DR. VARUGHESE: Today, now that I</p> <p>5 know it's confidential information --</p> <p>6 DR. MARIN: No, no, you are in</p> <p>7 someone else's office you open up a file</p> <p>8 on their desk, is that wrong or is that</p> <p>9 not wrong?</p> <p>10 DR. BRONHEIM: Okay, that's an</p> <p>11 answer.</p> <p>12 DR. WEINFELD: Why don't we --</p> <p>13 DR. MARIN: I have one more</p> <p>14 question, you mentioned, and this is</p> <p>15 very important, during your description</p> <p>16 here you said you had this altercation</p> <p>17 with the Chief Resident, and you</p> <p>18 specifically said and it went into the</p> <p>19 record, that you were physically abused</p> <p>20 by that Chief Resident.</p> <p>21 Is that what you meant to say, or</p> <p>22 would you retract that statement?</p> <p>23 DR. VARUGHESE: I didn't say</p> <p>24 that.</p> <p>25 DR. MARIN: You did say that.</p>	<p>1 LEENA VARUGHESE</p> <p>2 DR. VARUGHESE: Well,</p> <p>3 Dr. Peterson is my advisor.</p> <p>4 DR. MARIN: Is there someone who</p> <p>5 you feel would be your confidante and</p> <p>6 would rise to your defense in the</p> <p>7 context of all the things that have</p> <p>8 happened?</p> <p>9 DR. VARUGHESE: I think most</p> <p>10 people can.</p> <p>11 DR. MARIN: I'm asking not most</p> <p>12 people, I'm asking you and I'm asking</p> <p>13 for is there one person.</p> <p>14 DR. VARUGHESE: Who wouldn't</p> <p>15 defend me and I think at that point you</p> <p>16 can call in any other people.</p> <p>17 DR. MARIN: I didn't ask you that</p> <p>18 question, I asked you is there a single</p> <p>19 person in the Department who you could</p> <p>20 go to who would rise and defend you in</p> <p>21 the context of what's happening after</p> <p>22 four years in the Department.</p> <p>23 DR. VARUGHESE: Yes.</p> <p>24 DR. MARIN: Who would that be?</p> <p>25 DR. VARUGHESE: There would be</p>
Page 319	Page 321
<p>1 LEENA VARUGHESE</p> <p>2 You may not have meant to say it, that's</p> <p>3 what I want to clarify.</p> <p>4 DR. VARUGHESE: Physically.</p> <p>5 DR. MARIN: Physically, you were</p> <p>6 you were stating that you were</p> <p>7 physically intimidated.</p> <p>8 DR. VARUGHESE: Yes.</p> <p>9 That means following me around</p> <p>10 pointing at me, with very little --</p> <p>11 DR. MARIN: Did he place his</p> <p>12 hands on you? Did he hit you or did you</p> <p>13 at any point feel threatened.</p> <p>14 DR. VARUGHESE: Yes, I did feel</p> <p>15 threatened, yes.</p> <p>16 DR. MARIN: My last question is</p> <p>17 in the entire Department of Pathology,</p> <p>18 is there any attending in the Pathology</p> <p>19 Department that you could call upon who</p> <p>20 would be your mentor or your advocate in</p> <p>21 these proceedings now or that you find</p> <p>22 as a friend and a close confidante,</p> <p>23 after four years in the Department?</p> <p>24 DR. VARUGHESE: Yes.</p> <p>25 DR. MARIN: Who would that be?</p>	<p>1 LEENA VARUGHESE</p> <p>2 several.</p> <p>3 DR. WEINFELD: Just name one,</p> <p>4 that's all we ask.</p> <p>5 DR. VARUGHESE: All right, well I</p> <p>6 can say Dr. Lamp from the Bronx VA.</p> <p>7 DR. MARIN: Thank you.</p> <p>8 DR. ROCCO: I have one question.</p> <p>9 So you've been accused of many things</p> <p>10 today and you've kind of gone through</p> <p>11 them and we listened to your</p> <p>12 explanation, I just want to know out of</p> <p>13 all of the things in terms of your</p> <p>14 actions, do you take responsibility or</p> <p>15 do you feel remorse involving any of the</p> <p>16 things that you've talked about, if you</p> <p>17 just think about your own actions?</p> <p>18 DR. VARUGHESE: Is there a</p> <p>19 particular --</p> <p>20 DR. ROCCO: Is there anything</p> <p>21 that you feel you know what, I was wrong</p> <p>22 on this case and I kind of take</p> <p>23 responsibility for that, out of all of</p> <p>24 the incidents that we heard today?</p> <p>25 Like missing call?</p>

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<p style="text-align: right;">Page 322</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. VARUGHESE: I didn't miss</p> <p>3 call. Various.</p> <p>4 DR. ROCCO: Any of the things</p> <p>5 that have been brought up today, any?</p> <p>6 DR. VARUGHESE: Well, I never</p> <p>7 missed call.</p> <p>8 DR. ROCCO: That was just one</p> <p>9 example, anything.</p> <p>10 DR. BRONHEIM: Do you think you</p> <p>11 should have seen a psychiatrist and</p> <p>12 taken medical leave?</p> <p>13 DR. VARUGHESE: What?</p> <p>14 DR. BRONHEIM: Do you think you</p> <p>15 should have taken medical leave and seen</p> <p>16 a phsyiciatrist as recommended?</p> <p>17 DR. VARUGHESE: That's what I was</p> <p>18 trying to do.</p> <p>19 DR. BRONHEIM: When?</p> <p>20 DR. VARUGHESE: When I asked for</p> <p>21 the medical leave of absence.</p> <p>22 DR. BRONHEIM: But you didn't see</p> <p>23 somebody.</p> <p>24 DR. VARUGHESE: I did, I spoke to</p> <p>25 the psychiatrist that I was seeing and</p>	<p style="text-align: right;">Page 324</p> <p>1 LEENA VARUGHESE</p> <p>2 the reason was that I came to see you on</p> <p>3 Tuesday, for the family, this wasn't on Tuesday</p> <p>4 morning, Shema Patel called you?</p> <p>5 A The last time I met with you?</p> <p>6 Q Yes.</p> <p>7 A Shema called me because the</p> <p>8 Department had met with you, you had told them</p> <p>9 that you were not able to work, that you were</p> <p>10 not feeling well, you had taken a couple of</p> <p>11 days off prior and the Department allowed you</p> <p>12 the time to get off, that your well-being was</p> <p>13 most important and that you see your physician.</p> <p>14 They gave you the time off on</p> <p>15 that Tuesday, they found out after numerous</p> <p>16 e-mails and calls that you didn't respond to,</p> <p>17 that you were actually working in the</p> <p>18 Department during the days even though the</p> <p>19 Department had given you off.</p> <p>20 So they asked me to meet with</p> <p>21 you for a couple of reasons, one being that</p> <p>22 they were concerned about your well-being and</p> <p>23 wanted to know about your FMLA status.</p> <p>24 One being that they were</p> <p>25 constantly contacting you and you weren't being</p>
<p style="text-align: right;">Page 323</p> <p>1 LEENA VARUGHESE</p> <p>2 she just felt given the circumstances</p> <p>3 and she was aware of the surrounding</p> <p>4 situation and the story, she didn't feel</p> <p>5 comfortable given a family medical leave</p> <p>6 of absence.</p> <p>7 DR. LEITER: She was seeing</p> <p>8 someone outside of the hospital.</p> <p>9 DR. WEINFELD: We will have an</p> <p>10 opportunity to do this if we need, why</p> <p>11 don't we bring our witness in.</p> <p>12 Let's do that and then we can</p> <p>13 proceed.</p> <p>14</p> <p>15 CARYN TIGER PAILEX,</p> <p>16 called as a witness, having been first</p> <p>17 duly sworn by the Notary Public, was</p> <p>18 examined and testified as follows:</p> <p>19</p> <p>20 DR. WEINFELD: Dr. Varughese, go</p> <p>21 ahead.</p> <p>22</p> <p>23 DIRECT EXAMINATION BY DR. VARUGHESE:</p> <p>24</p> <p>25 Q So, can you please describe what</p>	<p style="text-align: right;">Page 325</p> <p>1 LEENA VARUGHESE</p> <p>2 responsive.</p> <p>3 And you were showing up to work</p> <p>4 even though they asked you not to, until you</p> <p>5 had medical documentation.</p> <p>6 And that you were in Shema's</p> <p>7 office and when she left you in her office you</p> <p>8 were going through files on her desk.</p> <p>9 So I asked to meet with you to</p> <p>10 follow up with those issues.</p> <p>11 Q What is the hospital policy</p> <p>12 regarding the Family Medical Leave Act?</p> <p>13 A What is?</p> <p>14 Q Can I plan that in advance? Can</p> <p>15 I request, can I foresee that I may need a</p> <p>16 family medical leave of absence?</p> <p>17 A Sure, that's what you did and</p> <p>18 you were provided the documentation, but you</p> <p>19 continued to come to work and the reason why</p> <p>20 you were asked not to come to work is because</p> <p>21 you were saying that you weren't feeling well</p> <p>22 and you weren't feeling well enough to work,</p> <p>23 that's why they not only -- the Department not</p> <p>24 only asked you if you had an appointment with</p> <p>25 your doctor, but they also offered to get an</p>

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<p style="text-align: right;">Page 326</p> <p>1 LEENA VARUGHESE</p> <p>2 appointment because you had told them that you</p> <p>3 weren't going to be able to get a doctor's</p> <p>4 appointment until the following week.</p> <p>5 When I met with you that</p> <p>6 Tuesday, you had told me that you went to your</p> <p>7 psychiatrist the week before and they wouldn't</p> <p>8 grant you a family leave and they told you to</p> <p>9 go see your primary care physician.</p> <p>10 And you were going to see your</p> <p>11 primary care physician that afternoon.</p> <p>12 During that same meeting I asked</p> <p>13 you if you got ahold of Dr. Dan Hughes because</p> <p>14 he was trying to reach out to you, and you said</p> <p>15 no, because you didn't want to deal with him.</p> <p>16 We explained to you that he was</p> <p>17 part of physicians wellness and you needed to</p> <p>18 reach out to him, and we actually called him,</p> <p>19 if you recall, in my office and had the two of</p> <p>20 you talk and actually scheduled an appointment</p> <p>21 for that Thursday to follow up.</p> <p>22 Q So here is the thing Dr. Firpa</p> <p>23 sent me an e-mail on Thursday at 3:51 p.m.</p> <p>24 basically saying what the circumstances were</p> <p>25 regarding the sick day and how he understood</p>	<p style="text-align: right;">Page 328</p> <p>1 LEENA VARUGHESE</p> <p>2 doctor?</p> <p>3 A The paperwork.</p> <p>4 Q The paperwork before he</p> <p>5 instructs anybody that I'm not going to be in</p> <p>6 the hospital.</p> <p>7 DR. WEINFELD: So what's the</p> <p>8 question?</p> <p>9 Q So, were you surprised that now</p> <p>10 I don't have this document yet, but everybody</p> <p>11 is asking me not to be at work?</p> <p>12 A Am I surprised at what?</p> <p>13 Q Like why is that, why is</p> <p>14 everyone asking me?</p> <p>15 I mean I am well, I am</p> <p>16 interacting with my mentor, I am signing out</p> <p>17 all the cases without any mistakes and this is</p> <p>18 Thursday, Friday, Monday, Tuesday, so what do</p> <p>19 you think, why do you think people are saying</p> <p>20 that I shouldn't be, after understanding what I</p> <p>21 conveyed, saying that, you know, now I'm here,</p> <p>22 you know, I will have to get a doctor's note in</p> <p>23 the future, and Dr. Firpa had understood that,</p> <p>24 then going back and claiming that I'm not well</p> <p>25 enough now and I need to get a doctor's note in</p>
<p style="text-align: right;">Page 327</p> <p>1 LEENA VARUGHESE</p> <p>2 In fact, let me just quote him</p> <p>3 here.</p> <p>4 DR. MARIN: You will have to have</p> <p>5 a question.</p> <p>6 DR. WEINFELD: Are you coming to</p> <p>7 a question?</p> <p>8 DR. BRONHEIM: You can sum up</p> <p>9 later.</p> <p>10 DR. WEINFELD: Are you coming to</p> <p>11 a question?</p> <p>12 DR. VARUGHESE: Yes.</p> <p>13 Q So basically he says that I'm</p> <p>14 sorry you could not get an appointment with</p> <p>15 your physician sooner than next week.</p> <p>16 Since your health is paramount</p> <p>17 to all of us, please meet with Dr. Peterson and</p> <p>18 discuss the situation candidly.</p> <p>19 And he also says, just referring</p> <p>20 to the family medical leave, as you asked of</p> <p>21 me, I will wait to inform the Chief Residents</p> <p>22 to remove from the rotation schedule until you</p> <p>23 obtain and provide this doctor's note and I</p> <p>24 think Dr. Firpa is referring to the family</p> <p>25 medical leave having that form filled out by my</p>	<p style="text-align: right;">Page 329</p> <p>1 LEENA VARUGHESE</p> <p>2 order to be on the floor on I guess Monday was</p> <p>3 and then Tuesday?</p> <p>4 DR. WEINFELD: So what's the</p> <p>5 question for Ms. Tiger?</p> <p>6 Q So do you think that's a</p> <p>7 reasonable thing to do?</p> <p>8 A You are asking my opinion on</p> <p>9 whether or not I think?</p> <p>10 Q I am asking you like what is the</p> <p>11 protocol for something like that?</p> <p>12 A I think if the Department, if</p> <p>13 you tell the Department that you do not feel</p> <p>14 well enough to work, they should and did try to</p> <p>15 make every effort to get you to a doctor to</p> <p>16 help you.</p> <p>17 DR. WEINFELD: Could I interrupt</p> <p>18 you for a second. I'm not sure it's</p> <p>19 clear what your official position is at</p> <p>20 Mount Sinai, so I would like to ask what</p> <p>21 your position is in Mount Sinai.</p> <p>22 THE WITNESS: My position is</p> <p>23 Director of Human Resources for the</p> <p>24 School of Medicine.</p> <p>25 Q I met with you on Tuesday</p>

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Page 330	Page 332
<p>1 LEENA VARUGHESE</p> <p>2 morning and what did you think of -- you spoke</p> <p>3 to me and we had a one hour long conversation</p> <p>4 with you, me and Mr. Johnson, so did you think</p> <p>5 that I was so ill that I couldn't at work?</p> <p>6 A I'm not a physician, so I can't</p> <p>7 answer whether or not you are ill.</p> <p>8 So --</p> <p>9 Q So the hospital policy is I can</p> <p>10 foresee a family medical leave absence or a</p> <p>11 leave of absence for up to 30 days in advance,</p> <p>12 right, and I can take the time I need to come</p> <p>13 up with the documentation?</p> <p>14 A I don't understand your</p> <p>15 question.</p> <p>16 Q The Human Resources policy --</p> <p>17 DR. MARIN: I think we have</p> <p>18 already established that's well</p> <p>19 documented in the hospital policies, we</p> <p>20 don't need to go through it again.</p> <p>21 Q So the HR policy on sick days,</p> <p>22 it's after three days that I have to bring a</p> <p>23 doctor's note?</p> <p>24 After three days?</p> <p>25 A In the house staff manual?</p>	<p>1 LEENA VARUGHESE</p> <p>2 A I don't think your claim was on</p> <p>3 the academic advisement, I think it was on</p> <p>4 harassment.</p> <p>5 And I investigated the</p> <p>6 harassment claim and issued a decision.</p> <p>7 In my findings --</p> <p>8 Q At what point?</p> <p>9 A Sometime in April.</p> <p>10 Q Sometime in April?</p> <p>11 A Yes.</p> <p>12 DR. WEINFELD: Who gets a copy of</p> <p>13 that decision?</p> <p>14 THE WITNESS: Of the?</p> <p>15 DR. WEINFELD: It says the</p> <p>16 findings of the grievance.</p> <p>17 THE WITNESS: I sent Dr.</p> <p>18 Varughese a copy of my decision and the</p> <p>19 Department was made aware of my</p> <p>20 decision.</p> <p>21 DR. BRONHEIM: Can you tell us</p> <p>22 what it was?</p> <p>23 THE WITNESS: I did not find</p> <p>24 harassment.</p> <p>25 DR. BRONHEIM: By Dr. Najfeld?</p>
Page 331	Page 333
<p>1 LEENA VARUGHESE</p> <p>2 Q Yes.</p> <p>3 A I would have to check.</p> <p>4 Q I don't think it's in the house</p> <p>5 staff manual, it's in a different manual.</p> <p>6 So it's basically three days</p> <p>7 unless it's call, so there is no real reason to</p> <p>8 ask me to bring a doctor's note.</p> <p>9 DR. BRONHEIM: That's different</p> <p>10 from being asked by your Department to</p> <p>11 take a leave.</p> <p>12 You are asking about the medical</p> <p>13 illness like the flu versus your being</p> <p>14 formally asked by letter to take a leave,</p> <p>15 that's a different, those are different</p> <p>16 issues.</p> <p>17 DR. VARUGHESE: Well, I requested</p> <p>18 a leave, they were not asking me to take</p> <p>19 a leave.</p> <p>20 DR. BRONHEIM: Okay.</p> <p>21 Q So I filed a grievance with you</p> <p>22 in December sometime regarding the academic</p> <p>23 advisement and you never -- when did you get</p> <p>24 back to me about the findings related to that</p> <p>25 particular complaint?</p>	<p>1 LEENA VARUGHESE</p> <p>2 THE WITNESS: Yes.</p> <p>3 DR. WEINFELD: I have a question,</p> <p>4 Dr. Varughese said that she never heard</p> <p>5 back and you are saying that a decision</p> <p>6 was sent to her and to the Department?</p> <p>7 THE WITNESS: Right, we actually</p> <p>8 met and I met with her to discuss my</p> <p>9 findings and then I gave her a</p> <p>10 formalized letter.</p> <p>11 DR. WEINFELD: Does that jog your</p> <p>12 memory at all?</p> <p>13 DR. VARUGHESE: Yes, I was being</p> <p>14 continued on academic advisement I had</p> <p>15 to go through the physician wellness</p> <p>16 committee, all these things were</p> <p>17 happening and I was just getting more</p> <p>18 and more worried and then finally I</p> <p>19 reached out to Karen, Ms. Tiger because</p> <p>20 I felt like I didn't know what their</p> <p>21 findings were, and I'm still on all</p> <p>22 these actions were taken against me and</p> <p>23 there is nothing is resolved and this</p> <p>24 keeps continuing onward and onward.</p> <p>25 DR. WEINFELD: The question was</p>

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<p style="text-align: right;">Page 334</p> <p>1 LEENA VARUGHESE</p> <p>2 did you receive a response.</p> <p>3 DR. VARUGHESE: I contacted her</p> <p>4 then she gave me --</p> <p>5 DR. WEINFELD: Did you --</p> <p>6 DR. VARUGHESE: Yes, she gave me</p> <p>7 a document stating that that was her</p> <p>8 finding at that point, a month before.</p> <p>9 DR. WEINFELD: Any other</p> <p>10 questions for Ms. Tiger Paillex?</p> <p>11 DR. VARUGHESE: No.</p> <p>12 DR. WEINFELD: Any questions from</p> <p>13 the Department of Pathology?</p> <p>14 DR. FIRPA: No.</p> <p>15 DR. WEINFELD: Questions from the</p> <p>16 Committee?</p> <p>17 Thank you for staying.</p> <p>18 DR. WEINFELD: Dr. Varughese, any</p> <p>19 other witnesses you would like to call?</p> <p>20 DR. VARUGHESE: Well, I don't</p> <p>21 think anyone else is out there, so --</p> <p>22 DR. WEINFELD: Do you need more</p> <p>23 time to coordinate witnesses? I mean to</p> <p>24 present additional evidence on your</p> <p>25 behalf?</p>	<p style="text-align: right;">Page 336</p> <p>1 LEENA VARUGHESE</p> <p>2 would like one, we can certainly do it.</p> <p>3 DR. WEINFELD: We would have</p> <p>4 liked it four hours ago, but if you</p> <p>5 would like it you can have one now, too,</p> <p>6 it's okay.</p> <p>7 MR. McEVOY: Dr. Varughese gets</p> <p>8 to go first.</p> <p>9 DR. WEINFELD: Do you want to</p> <p>10 make any concluding remarks?</p> <p>11 DR. VARUGHESE: Yes, I would like</p> <p>12 to make concluding remarks.</p> <p>13 So basically all the points listed</p> <p>14 in the summary suspension termination</p> <p>15 letter were not previously mentioned to me</p> <p>16 as possible reasons for termination.</p> <p>17 While I was on a final warning,</p> <p>18 meaning disciplinary due to issues prior</p> <p>19 to either Dr. Cordone-Cardo or Dr. Firpa's</p> <p>20 arrival, I feel that they have played a</p> <p>21 major role in what has happened, and for</p> <p>22 these reasons I feel that the actions</p> <p>23 taken against me were both arbitrary and</p> <p>24 capricious.</p> <p>25 And, in fact, the way it was</p>
<p style="text-align: right;">Page 335</p> <p>1 LEENA VARUGHESE</p> <p>2 DR. LEITER: Did you want to</p> <p>3 summarize or say anything else?</p> <p>4 DR. WEINFELD: We are not there</p> <p>5 yet.</p> <p>6 DR. VARUGHESE: Can you give me a</p> <p>7 minute?</p> <p>8 DR. WEINFELD: Sure.</p> <p>9 Anything further, Dr. Varughese,</p> <p>10 that you want, any further witnesses?</p> <p>11 DR. VARUGHESE: I mean I don't</p> <p>12 think I want to call -- I had a witness</p> <p>13 list but no one is here, so I think I</p> <p>14 would just like to conclude the hearing.</p> <p>15 DR. WEINFELD: I just wanted to</p> <p>16 ask, if you have any objection to the</p> <p>17 proceedings that took place today,</p> <p>18 anything that -- the conduction of this</p> <p>19 hearing that you want to put on record?</p> <p>20 DR. VARUGHESE: No.</p> <p>21 DR. WEINFELD: Okay, any closing</p> <p>22 statements, concluding remarks by either</p> <p>23 Dr. Varughese or Department of</p> <p>24 Pathology?</p> <p>25 MR. McEVOY: If the Committee</p>	<p style="text-align: right;">Page 337</p> <p>1 LEENA VARUGHESE</p> <p>2 conducted by asking Dr. Firpa, Tiger</p> <p>3 Paillex, having several security personnel</p> <p>4 while all the residents were in the</p> <p>5 residents room and I was being essentially</p> <p>6 asked to leave the premises while I wasn't</p> <p>7 doing anything wrong, other than being at</p> <p>8 work and as approved by both my</p> <p>9 physicians.</p> <p>10 So I did what I could, I calmly</p> <p>11 collected my things from my desk and I was</p> <p>12 escorted by security and I left the</p> <p>13 hospital.</p> <p>14 In the past I have worked with good</p> <p>15 faith with my superiors, including Dr.</p> <p>16 Lento, but I feel that he has been very</p> <p>17 dishonest and not very forthright in his</p> <p>18 dealings with me in the past year.</p> <p>19 I have also been suspended and</p> <p>20 terminated in my final year as I prepare</p> <p>21 to take my Board examination, including</p> <p>22 having paid for the Ossler course out of</p> <p>23 my own pocket and the Department is paying</p> <p>24 for everybody else.</p> <p>25 So I do believe that I am treated</p>

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<p style="text-align: right;">Page 338</p> <p>1 LEENA VARUGHESE</p> <p>2 unfairly on a daily basis and, in fact,</p> <p>3 once again these actions are very</p> <p>4 arbitrary and capricious, and although I</p> <p>5 don't have a lawyer here, I do have legal</p> <p>6 counsel who advises me and I will have to</p> <p>7 take whatever actions I need to.</p> <p>8 But I felt this was a peer-to-peer</p> <p>9 review Committee and I feel very</p> <p>10 comfortable and calm that the Committee is</p> <p>11 competent and I don't need to have legal</p> <p>12 counsel, per se.</p> <p>13 And finally, in conclusion, I</p> <p>14 basically I worked with the Department of</p> <p>15 Pathology and the pathology residency</p> <p>16 program at Mount Sinai Hospital, I</p> <p>17 performed all my duties to my most</p> <p>18 capability and very competently.</p> <p>19 I have attempted to reconcile my</p> <p>20 differences with the former director, Dr.</p> <p>21 Lento and I also feel that I have had to</p> <p>22 attend and I have also tried to attend</p> <p>23 therapy for related stressors, et cetera,</p> <p>24 due to this particular -- due to</p> <p>25 specifically what's happening.</p>	<p style="text-align: right;">Page 340</p> <p>1 LEENA VARUGHESE</p> <p>2 In the interests of time I would</p> <p>3 request the Committee's permission to make</p> <p>4 the closing statement on behalf of the</p> <p>5 Department.</p> <p>6 DR. WEINFELD: Okay.</p> <p>7 MR. McEVOY: First of all, I just</p> <p>8 want to refocus the Committee on the</p> <p>9 fact that at least it's the Department's</p> <p>10 position that the period of time we are</p> <p>11 looking at here is between the final</p> <p>12 warning and the discharge, roughly a</p> <p>13 period of about two months, from July</p> <p>14 15th to September 21st of 2011.</p> <p>15 And you have heard testimony from</p> <p>16 the witnesses for the department on all of</p> <p>17 the incidents that form the basis of the</p> <p>18 decision to terminate Dr. Varughese.</p> <p>19 And you have heard Dr. Varughese</p> <p>20 essentially say none of that is true,</p> <p>21 everybody is wrong, everybody is out to</p> <p>22 get me.</p> <p>23 I don't think it serves any of our</p> <p>24 interests or purpose for me to go through</p> <p>25 each of those incidents in detail to</p>
<p style="text-align: right;">Page 339</p> <p>1 LEENA VARUGHESE</p> <p>2 And I had also previously requested</p> <p>3 a transfer as PGY 2 and even as a PGY 3</p> <p>4 with Dr. Lento because I felt that it may</p> <p>5 be too -- given the circumstances it may</p> <p>6 be difficult for me.</p> <p>7 DR. WEINFELD: Transfer to what?</p> <p>8 DR. VARUGHESE: To a different</p> <p>9 program, however I felt that I could</p> <p>10 successfully complete the training given</p> <p>11 a fair opportunity to do so and by</p> <p>12 removing the ambivalent, arbitrary and</p> <p>13 capricious actions taken against me over</p> <p>14 the past year.</p> <p>15 Since my formal complaint with</p> <p>16 Samuel McCash inherently committed his</p> <p>17 harassing actionings, so basically I just</p> <p>18 wanted to be treated fairly, I want to do</p> <p>19 my job and I just want to graduate and go</p> <p>20 on with my life.</p> <p>21 DR. WEINFELD: Thank you.</p> <p>22 DR. VARUGHESE: Thank you.</p> <p>23 MR. McEVOY: I think the rules</p> <p>24 permit counsel to make the closing</p> <p>25 statement.</p>	<p style="text-align: right;">Page 341</p> <p>1 LEENA VARUGHESE</p> <p>2 explain why what Dr. Varughese says is</p> <p>3 demonstrably not true, you have heard it,</p> <p>4 you can read her self-assessment and</p> <p>5 decide for yourselves whether it is really</p> <p>6 what she says it is, or what Dr.</p> <p>7 Cordone-Cardo says it is.</p> <p>8 You can read the e-mails that show</p> <p>9 that Dr. Varughese insists that she e-mail</p> <p>10 the presentation to Dr. Najfeld on Friday,</p> <p>11 but the e-mail shows it's on Monday, there</p> <p>12 are so many of those that I wouldn't even</p> <p>13 know where to start, and it would take me</p> <p>14 a long time to finish.</p> <p>15 But the short answer is that in</p> <p>16 order to believe Dr. Varughese' version of</p> <p>17 all of these incidents, you have to</p> <p>18 disbelieve every witness who testified on</p> <p>19 behalf of the Department.</p> <p>20 That Dr. Cordone-Cardo, Dr. Firpa,</p> <p>21 to Dr. Najfeld to Dr. Jordan to</p> <p>22 Dr. Morency to Dr. Lento to Mr. Johnson to</p> <p>23 Ms. Patel, have all made this up out of</p> <p>24 hole cloth that none of these things</p> <p>25 happened, even though Dr. Varughese kind</p>

86 (Pages 338 to 341)

<p style="text-align: right;">Page 342</p> <p>1 LEENA VARUGHESE</p> <p>2 of ultimately admits well, I did sort of</p> <p>3 flip through a file, but can't bring</p> <p>4 herself to say that that's wrong.</p> <p>5 Can't bring herself to acknowledge</p> <p>6 that that was something she shouldn't have</p> <p>7 done, and that really is the point of all</p> <p>8 of this.</p> <p>9 The events that took place in a six</p> <p>10 or eight or ten week period more than</p> <p>11 justify the decision to terminate somebody</p> <p>12 who is on final warning.</p> <p>13 But the real problem I think is</p> <p>14 that Dr. Varughese is unable to accept the</p> <p>15 fact that she bears any responsibility for</p> <p>16 any of this.</p> <p>17 That she did anything wrong, that</p> <p>18 anything that she was told to do or asked</p> <p>19 to do or was instructed to do is</p> <p>20 reasonable or fair and what it really</p> <p>21 comes down to is Dr. Varughese wants to</p> <p>22 set her own rules.</p> <p>23 This is the -- she feels free to</p> <p>24 ignore her program director, she feels</p> <p>25 free to ignore her Chief Residents, she</p>	<p style="text-align: right;">Page 344</p> <p>1 LEENA VARUGHESE</p> <p>2 You don't get to not respond to</p> <p>3 pages, you don't get to not respond to</p> <p>4 e-mails.</p> <p>5 When Dr. Firpa tells you don't come</p> <p>6 to work, there are ways to have recourse</p> <p>7 for that, too, but you can't ignore it and</p> <p>8 just show up for work.</p> <p>9 Dr. Varughese never contacted Dr.</p> <p>10 Firpa and said I want to come to work, I</p> <p>11 think I'm well enough to come to work,</p> <p>12 reassess your view.</p> <p>13 She just showed up. She never</p> <p>14 talked to anybody about that, she follows</p> <p>15 her own set of rules and marches to her</p> <p>16 own drum.</p> <p>17 Unfortunately, those set of rules</p> <p>18 are not Mount Sinai's set of rules and</p> <p>19 they are certainly not the Department of</p> <p>20 Pathology's set of rules, so there is</p> <p>21 really little doubt here that given where</p> <p>22 she started from, the final warning, given</p> <p>23 what took place, and her inability to</p> <p>24 recognize that in any shape, manner or</p> <p>25 form, she bears some responsibility.</p>
<p style="text-align: right;">Page 343</p> <p>1 LEENA VARUGHESE</p> <p>2 feels free to ignore her Chair, to ignore</p> <p>3 the instructions of Dr. Firpa, just</p> <p>4 because that's what she wants to do.</p> <p>5 I don't know what the reason for</p> <p>6 that is, I'm not sure it matters what the</p> <p>7 reason for that is, but what it tells us</p> <p>8 all is that there is no reasonable</p> <p>9 expectation that if this Committee put her</p> <p>10 back to work, that anything would change,</p> <p>11 that she would be able to comply with the</p> <p>12 rules and regulations of the program.</p> <p>13 You know, my mother had an</p> <p>14 expression when I was a kid and she said</p> <p>15 not everybody is out of step in the army</p> <p>16 but you.</p> <p>17 And in Dr. Varughese's army</p> <p>18 everybody is out of the step in the army</p> <p>19 but her; it doesn't work that way.</p> <p>20 When you go to work and your</p> <p>21 program director tells you to do</p> <p>22 something, you do it.</p> <p>23 There are recourses if you disagree</p> <p>24 with it, if you think it's unfair, but you</p> <p>25 don't get to ignore it.</p>	<p style="text-align: right;">Page 345</p> <p>1 LEENA VARUGHESE</p> <p>2 The question that she was asked,</p> <p>3 did you do anything wrong?</p> <p>4 Is there anything here that you</p> <p>5 take any responsibility for?</p> <p>6 The answer is no.</p> <p>7 And that really is the point, she</p> <p>8 takes responsibility for nothing. She</p> <p>9 blames everyone else for her problems,</p> <p>10 there is no evidence that anyone is</p> <p>11 responsible for her problems, that anyone</p> <p>12 was out to get her, that anyone had</p> <p>13 treated her unfairly.</p> <p>14 To the contrary, the evidence shows</p> <p>15 everybody bent over backwards to treat her</p> <p>16 fairly, to give her another chance to let</p> <p>17 her succeed and she quite frankly</p> <p>18 sabotaged herself, she hasn't followed the</p> <p>19 rules this Committee set down, she hasn't</p> <p>20 followed the rules pretty much from the</p> <p>21 day she got here.</p> <p>22 So now it's too late, quite</p> <p>23 frankly, for her to come before the</p> <p>24 Committee and say all this is unfair give</p> <p>25 me another chance.</p>

87 (Pages 342 to 345)

Page 346

1 LEENA VARUGHESE
 2 She's had any number of chances,
 3 she hasn't taken advantage of those
 4 chances, by no stretch of the imagination
 5 can anyone come to the conclusion it was
 6 arbitrary and capricious for Dr.
 7 Cordone-Cardo and for Dr. Firpa to decide
 8 that there was no recourse left but to
 9 terminate here her.

10 They consulted with GME at all the
 11 appropriate steps, they consulted with
 12 Human Resources at all the appropriate
 13 steps, I think the only conclusion the
 14 Committee can reach is that there is no
 15 basis to conclude that it was arbitrary
 16 and capricious to terminate Dr. Varughese.

17 Thank you.

18 DR. WEINFELD: Well, I want to
 19 thank everyone for staying to this late
 20 hour and appreciate everyone's efforts.

21 We are adjourned.
 22
 23
 24
 25

Page 347

1 LEENA VARUGHESE
 2

3 C E R T I F I C A T E
 4
 5

6 I, STEPHEN J. MOORE, a Shorthand
 7 Reporter and Notary Public of the State of
 8 New York, do hereby certify:
 9

10 That, the Proceedings
 11 hereinbefore set forth is a true and
 12 accurate record of the Hearing.
 13

14 I further certify that I am not
 15 related to any of the parties to this
 16 action by blood or marriage; and that I am
 17 in no way interested in the outcome of
 18 this matter.
 19

20 STEPHEN J. MOORE, CRR
 21
 22
 23
 24
 25

88 (Pages 346 to 347)

Exhibit 274

2008 EMPLOYEE

ATTENDANCE RECORD

JANUARY							JULY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5			1	2	3	4	5
6	7	8	9	10	11	12	6	7	8	9	10	11	12
13	14	15	16	17	18	19	13	14	15	16	17	18	19
20	21	22	23	24	25	26	20	21	22	23	24	25	26
27	28	29	30	31	1	2	27	28	29	30	31	1	2
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28	29	1	24	25	26	27	28	29	30
2	3	4	5	6	7	8	31	1	2	3	4	5	6
9	10	11	12	13	14	15	7	8	9	10	11	12	13
16	17	18	19	20	21	22	14	15	16	17	18	19	20
23	24	25	26	27	28	29	21	22	23	24	25	26	27
30	31	1	2	3	4	5	28	29	30	1	2	3	4
6	7	8	9	10	11	12	5	6	7	8	9	10	11
13	14	15	16	17	18	19	12	13	14	15	16	17	18
20	21	22	23	24	25	26	19	20	21	22	23	24	25
27	28	29	30	1	2	3	26	27	28	29	30	31	1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30	31	23	24	25	26	27	28	29
1	2	3	4	5	6	7	30	1	2	3	4	5	6
8	9	10	11	12	13	14	7	8	9	10	11	12	13
15	16	17	18	19	20	21	14	15	16	17	18	19	20
22	23	24	25	26	27	28	21	22	23	24	25	26	27
30							28	29	30	31			

2008 ATTENDANCE RECORD FOR

Name: Vaughan, Leana Employee #: 178941 Date Hired: 5/1/2003

Department: 665 Position: #

IN EACH DATE ENTER HOURS (TO NEAREST 1/4 HOUR) AND/OR ONE OF THE FOLLOWING CODES:

- Late
- Day Off
- Compensatory
- Sick Pay (Paid or Unpaid)
- Sick Day - Not Notified
- Absence (Unpaid)
- Absence - Not Notified
- Holiday
- Substitute Holiday
- Free Day
- Vacation Day
- Marriage Day
- Paternity Day
- Confidance Day
- Jury Duty Day
- Sick Leave of Absence
- Maternity Leave of Absence
- Military Leave of Absence
- Other Leave of Absence
- Crisis Day

THE MOUNT SINAI HOSPITAL

2009 EMPLOYEE

ATTENDANCE RECORD

JANUARY							JULY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3					1	2	3
4	5	6	7	8	9	10	5	6	7	8	9	10	11
11	12	13	14	15	16	17	12	13	14	15	16	17	18
18	19	20	21	22	23	24	19	20	21	22	23	24	25
25	26	27	28	29	30	31	26	27	28	29	30	31	
FEBRUARY							AUGUST						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	2	3	4	5	6	7	8
8	9	10	11	12	13	14	9	10	11	12	13	14	15
15	16	17	18	19	20	21	16	17	18	19	20	21	22
22	23	24	25	26	27	28	23	24	25	26	27	28	29
MARCH							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	30	31	1	2	3	4	5
8	9	10	11	12	13	14	6	7	8	9	10	11	12
15	16	17	18	19	20	21	13	14	15	16	17	18	19
22	23	24	25	26	27	28	20	21	22	23	24	25	26
29	30	31	1	2	3	4	27	28	29	30	1	2	3
APRIL							OCTOBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	4	5	6	7	8	9	10
12	13	14	15	16	17	18	11	12	13	14	15	16	17
19	20	21	22	23	24	25	18	19	20	21	22	23	24
26	27	28	29	30	1	2	25	26	27	28	29	30	31
MAY							NOVEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	1	2	3	4	5	6	7
10	11	12	13	14	15	16	8	9	10	11	12	13	14
17	18	19	20	21	22	23	15	16	17	18	19	20	21
24	25	26	27	28	29	30	22	23	24	25	26	27	28
31	1	2	3	4	5	6	29	30	1	2	3	4	5
JUNE							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	8	9	10	11	12	13	6	7	8	9	10	11	12
14	15	16	17	18	19	20	13	14	15	16	17	18	19
21	22	23	24	25	26	27	20	21	22	23	24	25	26
28	29	30					27	28	29	30	31		

2009 ATTENDANCE RECORD FOR
Varughese, Leona
 Employee # **1782941**
 Date Hired
 Department **665**
 Position #

IN EACH DATE ENTER HOURS (TO NEAREST 1/4 HOUR) AND/OR ONE OF THE FOLLOWING CODES:

- Late
- Day Off
- Compensatory
- Sick Pay (Paid or Unpaid)
- Sick Day - Not Notified
- Absence (Unpaid)
- Absence - Not Notified
- Holiday
- Substitution Holiday
- Free Day
- Vacation Day
- Marriage Day
- Paternity Day
- Concurrence Day
- Jury Duty Day
- Sick Leave of Absence
- Maternity Leave of Absence
- Military Leave of Absence
- Other Leave of Absence
- Crisis Day

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S M T W T F S							S M T W T F S						
JANUARY							JULY						
					1	2					1	2	3
3	4	5	6	7	8	9	4	5	6	7	8	9	10
10	11	12	13	14	15	16	11	12	13	14	15	16	17
17	18	19	20	21	22	23	18	19	20	21	22	23	24
24	25	26	27	28	29	30	25	26	27	28	29	30	31
31	1	2	3	4	5	6	1	2	3	4	5	6	7
FEBRUARY							AUGUST						
7	8	9	10	11	12	13	8	9	10	11	12	13	14
14	15	16	17	18	19	20	15	16	17	18	19	20	21
21	22	23	24	25	26	27	22	23	24	25	26	27	28
28	1	2	3	4	5	6	29	30	31	1	2	3	4
MARCH							SEPTEMBER						
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30	31	1	2	3	26	27	28	29	30	1	2
APRIL							OCTOBER						
4	5	6	7	8	9	10	3	4	5	6	7	8	9
11	12	13	14	15	16	17	10	11	12	13	14	15	16
18	19	20	21	22	23	24	17	18	19	20	21	22	23
25	26	27	28	29	30	1	24	25	26	27	28	29	30
MAY							NOVEMBER						
2	3	4	5	6	7	8	31	1	2	3	4	5	6
9	10	11	12	13	14	15	7	8	9	10	11	12	13
16	17	18	19	20	21	22	14	15	16	17	18	19	20
23	24	25	26	27	28	29	21	22	23	24	25	26	27
30	31	1	2	3	4	5	28	29	30	1	2	3	4
JUNE							DECEMBER						
6	7	8	9	10	11	12	5	6	7	8	9	10	11
13	14	15	16	17	18	19	12	13	14	15	16	17	18
20	21	22	23	24	25	26	19	20	21	22	23	24	25
27	28	29	30				26	27	28	29	30	31	

2010 ATTENDANCE RECORD FOR

Employee # 178294 Date Hired 1/28/04

Department 665 Position #

IN EACH DATE ENTER HOURS (TO NEAREST 1/4 HOUR) AND/OR ONE OF THE FOLLOWING CODES:

- Late
 - Day Off
 - Compensatory
 - Sick Pay (Paid or Unpaid)
 - Sick Day - Not Notified
 - Absence (Unpaid)
 - Absence - Not Notified
 - Holiday
 - Substitute Holiday
 - Free Day
 - Vacation Day
 - Marriage Day
 - Paternity Day
 - Condonance Day
 - Jury Duty Day
 - Sick Leave of Absence
 - Maternity Leave of Absence
 - Military Leave of Absence
 - Other Leave of Absence
 - Crisis Day

AT EACH YEAR'S END OR IN TERMINATION SEND ORIGINAL TO PERSONNEL DEPT. RECORDS SECTION

Art DANCE RECORD

2011 ATTENDANCE RECORD FOR

08/14
Date Hired

Employee #

Name:

699

Position #

NEAREST (TO NEAREST 1/4 HOUR) AND/OR ONE OF THE FOLLOWING CODES:

Code	Description	Code	Description	Code	Description
L	- Late	A	- Absence (Unpaid)	V	- Vacation Day
O	- Day Off	AN	- Absence - Not Notified	M	- Maternity Leave of Absence
CO	- Compensatory	H	- Holiday	P	- Pandemic Day
S	- Sick Pay (Paid or Unpaid)	SH	- Substitute Holiday	C	- Child Care Day
SN	- Sick Day - Not Notified	F	- Free Day	J	- Jury Duty Day

P-176 (09/10)
STAPLES

P147

Exhibit 275

Carter, Allene

From: Barnett, Scott
Sent: Friday, June 15, 2012 8:59 AM
To: Carter, Allene; Firpo, Adolfo; Johnson, Paul; Tiger-Paillex, Caryn
Cc: Barnett, Scott
Subject: Re: GME Verification Request (215172933, Leena Varughese, Pathology-Anatomical and Clinical)

Adolfo should fill it out using the data in her file

Scott

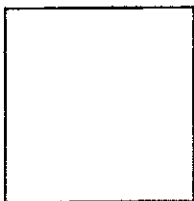
Scott H. Barnett, M.D.
Associate Dean for GME
Mount Sinai School of Medicine
(P) 212-241-6694
(f) 212-426-7748



Received Verification from FCVSGME for Leena Varughese.

*Allene Carter
Department of Pathology - Box 1194*

From: FCVSGME [<mailto:FCVSGME@fsmb.org>]
Sent: Thursday, June 14, 2012 9:58 AM
To: Carter, Allene
Subject: GME Verification Request (215172933, Leena Varughese, Pathology-Anatomical and Clinical)



Date: 6/14/2012

Name of Physician: Leena Varughese
Dates Attended: June 2008 to September 2011

NOTE: This applicant has designated a state medical or osteopathic board which has special requirements. Please include the following when you complete the form to avoid any additional follow up for these special board requirements:

The form must be affixed with a seal or notary for submission to the state board Physician has designated.
(Emailing the form back can be considered sealed electronically.)

Carter, Allene

From: Firpo, Adolfo
Sent: Wednesday, June 20, 2012 9:05 AM
To: Carter, Allene; Johnson, Paul
Subject: RE: GME_Verification_Form (3) (leena varughese)

Please pull and review Dr, Varughese's file for the following information:

1. Date she was summarily suspended, kept out of the program until the final decision of her dismissal. – This should be the explanation for her brake from her training. (Unless Paul indicates that this refers to a voluntary break).
2. I am not sure if she was ever placed on probation or not. I don't believe she was but let's check her official record. If so the letter provides the explanation for the action.
3. Yes, she was disciplined at three times, 1st before we arrived, 2nd the final notice she received when I arrived (which led to her summary dismissal) and 3rd her summary dismissal from the program (dates).
4. Yes, I am not sure how many. Please review her record and tag the faculty evaluations with comments about her behavior in rotation. For sure Dr. Najfeld's report of her rotation through her service provides extensive information on disciplinary problems. Also Dr. Lento's e-mails and the transcript of Dr. Najfeld, Dr. Lento and me at the hearing provides many examples of her problem behavior.
5. I believe this should be Yes. The special requirements were for disciplinary reasons, the tasks she was assigned to perform in the first 2 disciplinary actions which she failed to fulfilled.

This should provide the information necessary to respond and send Paul for his final review and approval before submission.

Adolfo

From: Carter, Allene
Sent: Wednesday, June 20, 2012 8:33 AM
To: Johnson, Paul; Firpo, Adolfo
Subject: GME_Verification_Form (3) (leena varughese)

I cannot complete this form. I would need to know what responses to put for questions 1 through 5. Explanation is involved.

Allene Carter

Carter, Allene

From: Johnson, Paul
Sent: Wednesday, June 20, 2012 10:01 AM
To: Firpo, Adolfo
Cc: Carter, Allene
Subject: Re: GME_Verification_Form (3) (leena varughese)

1. No
2. No
3. Yes
4. Yes
5. Yes

The explanation should be exactly the same as the one on the GME verification form. Please use that text.

Paul

On Jun 20, 2012, at 9:04 AM, Firpo, Adolfo wrote:

Please pull and review Dr. Varughese's file for the following information:

1. Date she was summarily suspended, kept out of the program until the final decision of her dismissal. – This should be the explanation for her break from her training. (Unless Paul indicates that this refers to a voluntary break).
2. I am not sure if she was ever placed on probation or not. I don't believe she was but let's check her official record. If so the letter provides the explanation for the action.
3. Yes, she was disciplined at three times, 1st before we arrived, 2nd the final notice she received when I arrived (which led to her summary dismissal) and 3rd her summary dismissal from the program (dates).
4. Yes, I am not sure how many. Please review her record and tag the faculty evaluations with comments about her behavior in rotation. For sure Dr. Najfeld's report of her rotation through her service provides extensive information on disciplinary problems. Also Dr. Lento's e-mails and the transcript of Dr. Najfeld, Dr. Lento and me at the hearing provides many examples of her problem behavior.
5. I believe this should be Yes. The special requirements were for disciplinary reasons, the tasks she was assigned to perform in the first 2 disciplinary actions which she failed to fulfilled.

This should provide the information necessary to respond and send Paul for his final review and approval before submission.

Adolfo

From: Carter, Allene
Sent: Wednesday, June 20, 2012 8:33 AM
To: Johnson, Paul; Firpo, Adolfo
Subject: GME_Verification_Form (3) (leena varughese)

I cannot complete this form. I would need to know what responses to put for questions 1 through 5. Explanation is involved.



Verification Credentials Verification Service (FCVS)

400 Fuller Wiser Road, Suite 300, Euless, TX 76039
Tel: (817) 868-5000 Fax: (817) 868-5099

8/10/2012

Verification of Graduate Medical Education	
Institution: <u>Mount Sinai Hospital</u> Specialty: <u>Pathology-Anatomical and Clinical</u> Address: <u>New York, NY</u>	Attention: <u>PATHOLOGY</u> Affiliated University: _____ <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> EXHIBIT <i>Johnson 16</i> <i>11/2/13 PS</i> </div>
Verification For:	Name: <u>Varughese, Leena</u> DOB: <u>01/26/1981</u> Individual's Name on Record (If different from above): _____
Program Participation: Important: Report Incomplete Training Levels (years) separate from those that were successfully completed.	Training Level: <u>1-3</u> (e.g., 1, 2, 3, etc.) <input type="checkbox"/> Internship <input checked="" type="checkbox"/> Residency <input type="checkbox"/> Chief Residency <input type="checkbox"/> Fellowship <input type="checkbox"/> Research Specialty/Subspecialty: <u>Pathology</u> From: <u>07/01/2008</u> To: <u>06/30/2011</u> Successfully Completed?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In Progress Accredited by: <input checked="" type="checkbox"/> ACGME <input type="checkbox"/> AOA <input type="checkbox"/> LCGME <input type="checkbox"/> RSC <input type="checkbox"/> CFPC <input type="checkbox"/> RCPSC <input type="checkbox"/> APPAP <input type="checkbox"/> None of these
If the training level (year) is currently in progress report the expected completion date in the "To" field. Report Internships, Residencies and Fellowships separately.	Training Level: <u>4</u> (e.g., 1, 2, 3, etc.) <input type="checkbox"/> Internship <input checked="" type="checkbox"/> Residency <input type="checkbox"/> Chief Residency <input type="checkbox"/> Fellowship <input type="checkbox"/> Research Specialty/Subspecialty: <u>Pathology</u> From: <u>07/01/2011</u> To: <u>09/21/2011</u> Successfully Completed?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In Progress Accredited by: <input type="checkbox"/> ACGME <input type="checkbox"/> AOA <input type="checkbox"/> LCGME <input type="checkbox"/> RSC <input type="checkbox"/> CFPC <input type="checkbox"/> RCPSC <input type="checkbox"/> APPAP <input type="checkbox"/> None of these
Use one section per Department/Specialty. If the Department/Specialty is rotating or transitional, please provide a schedule of rotations.	Training Level: _____ (e.g., 1, 2, 3, etc.) <input type="checkbox"/> Internship <input type="checkbox"/> Residency <input type="checkbox"/> Chief Residency <input type="checkbox"/> Fellowship <input type="checkbox"/> Research Specialty/Subspecialty: _____ From: <u>/ /</u> To: <u>/ /</u> Successfully Completed?: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In Progress Accredited by: <input type="checkbox"/> ACGME <input type="checkbox"/> AOA <input type="checkbox"/> LCGME <input type="checkbox"/> RSC <input type="checkbox"/> CFPC <input type="checkbox"/> RCPSC <input type="checkbox"/> APPAP <input type="checkbox"/> None of these
Unusual Circumstances: Check the correct response. Omitted responses require written explanation. If necessary, you may continue your explanation on a separate sheet of paper.	1. Did this individual ever take a leave of absence or break from his/her training? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 2. Was this individual ever placed on probation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 3. Was this individual ever disciplined or placed under investigation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 4. Were any negative reports for behavioral reasons ever filed by instructors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 5. Were any limitations or special requirements placed upon this individual because of questions of academic incompetence, disciplinary problems or any other reason? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain any "Yes" response from above: <u>Dr. Varughese's evaluations over the initial portion of her Pathology training at Mount Sinai demonstrated satisfactory development in the six Core Competency domains. In some rotations her performance was considered superior by individual attendings, particularly in the areas of patient care (gynecological pathology) and medical knowledge (VA Hospital rotations). continue Page 2.</u>
Certification: Affix your Institutional seal in this space. If no seal is available, you must have this form notarized	Completion of the following is certification that the information above is an accurate account of this individual's records and is true and correct. The signature line must contain the original signature, or the electronic typed signature, of the program director (M.D./D.O. only). Name: <u>Allene Carter</u> Signature: <u>Allene Carter</u> Title of Signatory: <u>Program Coordinator</u> Date of Signature: <u>8/10/2012</u> Tel: <u>(212) 241-8014</u> Fax: <u>(212) 426-5129</u> E-Mail: <u>allene.carter@mountsinai.org</u>

Page 2

Unusual Circumstances (Explanation continued)

However, Dr. Varughese began to exhibit unprofessional behavior and was placed on academic advisement in December 2010, in the middle of her third year of training. While the program advanced Dr. Varughese to her fourth year of training, her substandard performance led the Department Chair to issue her a final warning notice on July 1, 2011. Dr. Varughese's level of professionalism continued to be unsatisfactory and she was summarily suspended pending termination from the program on September 21, 2011. Following Mount Sinai's grievance procedures, Dr. Varughese appealed the termination, but the decision was upheld.

Exhibit 276

From: Jordan, Adrienne [adrienne.jordan@mountsinai.org]
Sent: Thursday, August 11, 2011 12:16 PM
To: Jordan, Adrienne (MSH); Morotti, Raffaella (MSH); Magid, Margret (MSH); Deligdisch, Liane (MSH); Kalir, Tamara (MSH); Eliassen, Carol (MSH); Fowkes, Mary (MSH); Carter, Allene (MSH); Cordon-cardo, Carlos; Odintsov, Basil; Strauchen, James (MSH); Petersen, Bruce (MSH); Harpaz, Noam (MSH); Polydorides, Alexandros (MSH); Ward, Stephen (MSSM-Imail); Fiel, Marialsabel (MSH); Thung, Swan (MSH); Xiao, Guang-Qian (MSH); Unger, Pamela (MSH); Garcia, Roberto A (MSH); Beasley, Mary (MSH); Zhu, Hongfa (MSH); Nagi, Chandandeep (MSH); Jaffer, Shabnam (MSH); Bleiweiss, Ira; Lento, Patrick (MSH); Firpo, Adolfo; Keys, Calvin (MSH); White, Ida (MSH); Hauptman, Eileen (MSH); Truong, Jonathan (MSH); Rosario, Roma (MSH); Sarraj, Bassel (MSH); Ramanathan, Lakshmi (MSH); Leonard, Kathleen; LaBombardi, Vincent (MSH); Peerschke, Ellinor (MSH); Szporn, Arnold (MSH); Phelps, Robert (MSH); Birge, Miriam (MSH); Pathologyresidents@mssm.edu
Subject: RE: Chief Resident Pager Issue

I am pleased to report that I now have a pager that works while I am at my rotation here in Pennsylvania. The pager number is the same as before (917-401-5341). Please feel free to page me with any issues or concerns. If I do not return your page, I am probably in a "dead" area and you are more than welcome to reach me via cell phone. Thank you all for your patience during this small problem.

Adrienne Jordan, M.D.
 Pathology Resident, PGY3
 The Mount Sinai Medical Center
 Department of Pathology- Box 1194
 One Gustave L. Levy Place
 New York, NY 10029
 Cell: 330-327-7339

-----Original Message-----

From: Jordan, Adrienne
Sent: Tue 8/2/2011 9:54 AM
To: Morotti, Raffaella; Magid, Margret; Deligdisch, Liane; Kalir, Tamara; Eliassen, Carol; Fowkes, Mary; Carter, Allene; Cordon-cardo, Carlos (MSSM); Odintsov, Basil (MSSM); Strauchen, James; Petersen, Bruce; Harpaz, Noam; Polydorides, Alexandros; Ward, Stephen (MSSM-Imail); Fiel, MariaIsabel; Thung, Swan; Xiao, Guang-Qian; Unger, Pamela; Garcia, Roberto A; Beasley, Mary; Zhu, Hongfa; Nagi, Chandandeep; Jaffer, Shabnam; Bleiweiss, Ira; Lento, Patrick; Firpo, Adolfo (MSSM); Keys, Calvin; White, Ida; Hauptman, Eileen; Truong, Jonathan; Rosario, Roma; Sarraj, Bassel; Ramanathan, Lakshmi; Leonard, Kathleen; LaBombardi, Vincent; Peerschke, Ellinor; Szporn, Arnold; Phelps, Robert; Birge, Miriam; Pathologyresidents@mssm.edu
Subject: Chief Resident Pager Issue

Hello all,

As many of you are aware, I am off site this month doing an elective rotation out of state. Elizabeth, the other chief resident, is currently on vacation. I am continuing my chief responsibilities while off site so please feel free to contact me with any problems. However, I have recently discovered that my pager does not work out of state. While the department is rapidly trying to correct this problem, for the time being, please e-mail me or call my cell phone (330-327-7339) with any problems. Please also forward this e-mail to any additional faculty or lab members I may have inadvertently forgotten. I apologize for any

inconvenience this may cause. I will let you all know immediately when my pager is functioning again. Thank you for your time.

Adrienne Jordan, M.D.
Pathology Resident, PGY3
The Mount Sinai Medical Center
Department of Pathology- Box 1194
One Gustave L. Levy Place
New York, NY 10029
Cell: 330-327-7339

From: Firpo, Adolfo [adolfo.firpo@mssm.edu]
Sent: Monday, August 01, 2011 4:18 PM
To: Patel, Shema (MSSM)
Cc: Lento, Patrick; Cordon-cardo, Carlos (MSSM); Jordan, Adrienne
Subject: FW: Pager Problem

Importance: High

Dear Ms. Patel:

Dr. Adrienne Jordan's pager range is currently limited to onsite. On week-ends she is on Long Island and now while on elective rotation out of MS she continuous coverage of the Chief's areas of responsibility delegating to others on per case basis. I would like to have her pager be reset as long range to enable her to attend to these duties. What will be needed to do so? Will Dr. Jordan have to bring her pager somewhere for the adjustment?

With appreciation for your support,

Dr. Firpo

Adolfo Firpo, M.D.,M.P.A.,FCAP
Professor and Director
Pathology Educational Activities
Department of Pathology,
The Mount Sinai School of Medicine.
The Mount Sinai Hospital
Phone: 212-659-8214
Fax: 212-348-7556
E-mail: adolfo.firpo@mssm.edu

Office Address:
Icahn Medical Institute 8th Floor, Office 8-40 , Box-1612
1425 Madison Avenue and E98th Street
New York, New York 10029-6574

Mailing address:
One Gustave L. Levy Place, Box 1612
ATTN: Dr. Firpo
New York, New York 10029-6574

From: Jordan, Adrienne [<mailto:adrienne.jordan@mountsinai.org>]
Sent: Monday, August 01, 2011 3:27 PM
To: Firpo, Adolfo
Subject: Fwd: Pager Problem

Dr. Firpo,

Since I spend much of my weekends on Long Island and I am away this month, do you think it would be worth while to upgrade my pager to long range? I only ask because the lab will frequently page the chief when our over night histo tech calls out and if they can't get ahold of me there could be problems.

Adrienne

Sent from my iPhone

Begin forwarded message:

From: "Carter, Allene" <Allene.Carter@mountsinai.org>
Date: August 1, 2011 2:54:17 PM EDT
To: "Jordan, Adrienne" <adrienne.jordan@mountsinai.org>
Subject: RE: Pager Problem

It will in New York, not outside certain parts of New York

Allene

-----Original Message-----

From: Jordan, Adrienne
Sent: Monday, August 01, 2011 2:51 PM
To: Carter, Allene
Cc: Lento, Patrick; Firpo, Adolfo (MSSM)
Subject: Re: Pager Problem

So my pager won't work at home in new York city either?

Sent from my iPhone

On Aug 1, 2011, at 2:26 PM, "Carter, Allene"
<Allene.Carter@mountsinai.org> wrote:

Found out what it was. It is an onsite pager, any long range or
nationwide pagers department will have to pay for service.

So if anyone has to contact you, it will have to be through your
e-mail or cell phone. Sorry.

Allene

-----Original Message-----

From: Jordan, Adrienne
Sent: Monday, August 01, 2011 1:09 PM
To: pathologyresidents@mssm.edu; Lento, Patrick; Firpo, Adolfo (MSSM);
Cordon-cardo, Carlos (MSSM); Bleiweiss, Ira; Carter, Allene
Subject: Pager Problem

Apparently there is an issue with my pager which telecommunications

hopes to have fixed by tomorrow. In the mean time since I am off campus this month and Liz is on vacation, please email or call my cell

phone

(330-327-7339) with any problems. Please also let any faculty members who may be looking for a chief resident know this as well. Thank you.

Adrienne

Sent from my iPhone

From: Carter, Allene
Sent: Friday, January 07, 2011 9:03 AM
To: McCash, Samuel (MSSM-Imail)
Cc: Lento, Patrick; Pessin-Minsley, Melissa; Burstyn, Freda
Subject: Misplaced Pager

Have you found the pager? If not, then you would have to get a telecommunications form from me and pay a fee of \$50.00 for new pager.

*Allene Carter
Residency & Fellowship Program
Department of Pathology - Box 1194
Mount Sinai School of Medicine
One Gustave L. Levy Place
New York, New York 10029
(212) 241-8014
(212) 426-5129 - Fax*

Exhibit 277

mandatory
for juniors
only

Date
Topic:
Lecturer:
PGY1
Blouin, Amanda
Fender, Justin
Grunes, Dianne
Ko, Mabel
Yao, Jonathan
PGY2
Chepovetsky, Julie
Hechtman, Jaclyn
Jordan, Adrienne
Kazi, Sofia
Paul, Andrea
PGY3
Azar, Paul
Chow, Jonathan
French, Jessica
Martinez, Allcia
Morency, Elizabeth
Roman, Taisha
Varughese, Leena
PGY4
Frost, Sarah
Kim, Stacey
Maniar, Kruti
McCash, Samuel
Trevino, Edward
Fellows
Cherneykin, Sergey
Guarino, Robert
Liu, Hui
Liu, Yuxin
Mercer, Stephen
Ouyang, Jie
Raoufi, Mohammad
Smethurst, Mark
Zhong, Minghao

Wed 9/1	Thurs 9/2	Fri 9/3
Cyto: FNA Dr. Wu	Surg: HFTZL Dr. Martinez	Autopsy Dr. Schiller
Vac	Vac	Vac
MKO	MKO	MKO
JAE	JAE	JAE
ACS	ACS	ACS
Sofia Kazi	Sofia Kazi	Sofia Kazi
Vac	Vac	Vac
Vac	Vac	Vac
Away	Away	Away
LH	LH	LH
XCL	XCL	XCL
JOY	JOY	JOY

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 9/6	Tuesday 9/7	Wed 9/8	Thurs 9/9	Fri 9/10
Topic:	AP:	CP: Cogg.	Cyto: Coggland.	Surg:	Autopsy
Lecturer:		Peershee	Dr. Liu		
PGY1					
Blouin, Amanda	HOL-	Vacation	Vac	NO	NO
Fender, Justin		Dr. Liu	Dr. Liu		
Grunes, Dianne		Dr. Liu	Dr. Liu		
Ko, Mabel	EDAY	Vac	plate rounds	LEC	CON
Yao, Jonathan					
PGY2					
Chepovetsky, Julie		JAC	JAC	TURE	FER-
Hechtman, Jaclyn		English signat	ACS		ENCE
Jordan, Adrienne		Dr. Liu	Dr. Liu		
Kazi, Sofia		Dr. Liu	Dr. Liu		
Paul, Andrea					
PGY3					
Azar, Paul		PA	PA		
Chow, Jonathan		Dr. Liu	Dr. Liu		
French, Jessica			French		
Martinez, Alicia					
Morency, Elizabeth		Vacation	Vacation		
Roman, Talsha		LXV	Roman		
Varughese, Leena					
PGY4					
Frost, Sarah		Garland	Garland		
Kim, Stacey		KM	KM		
Manlar, Krull		SM	SM		
McCash, Samuel					
Trevino, Edward					
Fellows					
Cherneykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

W

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 9/13	Tuesday 9/14	Wed 9/15	Thurs 9/16	Fri 9/17
Topic:	AP: ILB	CP: Liver Metast	Cyto: Bethesda	Surg: Pro Trevino & Roman	Autopsy
Lecturer:	Dr. Rostley	Parasitology	Chen		Dr. Schiller
PGY1					
Blouin, Amanda	Vac	Justine Fender	Justine	Justine	Justine
Fender, Justin	Justine	Justine	Justine	Justine	Justine
Grunes, Dianne	Justine	Justine	Justine	Justine	Justine
Ko, Mabel	Mabel	Mabel	Plate Rounds		
Yao, Jonathan	Yao	Yao			
PGY2					
Chepovetsky, Julie	JAC	JAC	JAC	JAC	JAC
Hechtman, Jaclyn	JAC	JFH	Englewood	Englewood	SK
Jordan, Adrienne	JAC	ACT	JAC	JAC	JAC
Kazi, Sofia	JAC	JAC	JAC	JAC	JAC
Paul, Andrea	JAC	JAC	JAC	JAC	JAC
PGY3					
Azar, Paul	JAC	JAC	JAC	JAC	JAC
Chow, Jonathan	JAC	JAC	JAC	JAC	JAC
French, Jessica	JAC	JAC	JAC	JAC	JAC
Marlnez, Alicia	Vac	Vac	Vac	Vac	Vac
Morency, Elizabeth	Vac	Vac	Vac	Vac	Vac
Roman, Talsha	JAC	JAC	JAC	JAC	JAC
Varughese, Leena	JAC	JAC	JAC	JAC	JAC
PGY4					
Frost, Sarah	JAC	JAC	JAC	JAC	JAC
Kim, Stacey	JAC	JAC	JAC	JAC	JAC
Manlar, Kruti	JAC	JAC	JAC	JAC	JAC
McCash, Samuel	JAC	JAC	JAC	JAC	JAC
Trevino, Edward	JAC	JAC	JAC	JAC	JAC
Fellows					
Cherneykin, Sergey	JAC	JAC	JAC	JAC	JAC
Guarino, Robert	JAC	JAC	JAC	JAC	JAC
Liu, Hui	JAC	JAC	JAC	JAC	JAC
Liu, Yuxin	JAC	JAC	JAC	JAC	JAC
Mercer, Stephen	JAC	JAC	JAC	JAC	JAC
Ouyang, Jie	JAC	JAC	JAC	JAC	JAC
Raoufi, Mohammad	JAC	JAC	JAC	JAC	JAC
Smethurst, Mark	JAC	JAC	JAC	JAC	JAC
Zhong, Minghao	JAC	JAC	JAC	JAC	JAC

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 9/20	Tuesday 9/21	Wed 9-22	Thurs 9-23	Fri 9-24
Topic:	AP: Breast	CP: Renal & Ramanathan	Cyto: Thin Prep Szorn	Surg: Basic Eds Magid	Autopsy Schiller
Lecturer:	Jaffer	Ramanathan	Szorn	Magid	Schiller
PGY1					
Blouin, Amanda	Blouin	Blouin	Blouin	Blouin	Blouin
Fender, Justin	Fender	Fender	Fender	Fender	Fender
Grunes, Dianne	Grunes	Grunes	Grunes	Grunes	Grunes
Ko, Mabel	Ko	Ko	Ko	Ko	Ko
Yao, Jonathan	Yao	Yao	Yao	Yao	Yao
PGY2					
Chepovetsky, Julie	Chepovetsky	Chepovetsky	Chepovetsky	Chepovetsky	Chepovetsky
Hechtman, Jaclyn	Hechtman	Hechtman	Hechtman	Hechtman	Hechtman
Jordan, Adrienne	Jordan	Jordan	Jordan	Jordan	Jordan
Kazi, Sofia	Kazi	Kazi	Kazi	Kazi	Kazi
Paul, Andrea	Paul	Paul	Paul	Paul	Paul
PGY3					
Azar, Paul	Azar	Azar	Azar	Azar	Azar
Chow, Jonathan	Chow	Chow	Chow	Chow	Chow
French, Jessica	French	French	French	French	French
Martinez, Alicia	Martinez	Martinez	Martinez	Martinez	Martinez
Morency, Elizabeth	Morency	Morency	Morency	Morency	Morency
Roman, Taisha	Roman	Roman	Roman	Roman	Roman
Varughese, Leena	Varughese	Varughese	Varughese	Varughese	Varughese
PGY4					
Frost, Sarah	Frost	Frost	Frost	Frost	Frost
Kim, Stacey	Kim	Kim	Kim	Kim	Kim
Maniar, Kruti	Maniar	Maniar	Maniar	Maniar	Maniar
McCash, Samuel	McCash	McCash	McCash	McCash	McCash
Trevino, Edward	Trevino	Trevino	Trevino	Trevino	Trevino
Fellows					
Cherneykin, Sergey	Cherneykin	Cherneykin	Cherneykin	Cherneykin	Cherneykin
Guarino, Robert	Guarino	Guarino	Guarino	Guarino	Guarino
Liu, Hui	Liu	Liu	Liu	Liu	Liu
Liu, Yuxin	Liu	Liu	Liu	Liu	Liu
Mercer, Stephen	Mercer	Mercer	Mercer	Mercer	Mercer
Ouyang, Jie	Ouyang	Ouyang	Ouyang	Ouyang	Ouyang
Raoufi, Mohammad	Raoufi	Raoufi	Raoufi	Raoufi	Raoufi
Smethurst, Mark	Smethurst	Smethurst	Smethurst	Smethurst	Smethurst
Zhong, Minghao	Zhong	Zhong	Zhong	Zhong	Zhong

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 9/27	Tuesday 9/28	Wed 9/29	Thurs 9/30	Fri 10/1
Topic:	AP: Forensics	CP: Vitamins	Cyto: Thrombosis	Surg: Gest. trophoblastic	Autopsy
Lecturer:	Dr. Scotti-Roth	Remonathan	Dr. Search	Planlar	
PGY1					NO
Blouin, Amanda					
Fender, Justin					
Grunes, Dianne					
Ko, Mabel					
Yao, Jonathan					
PGY2					
Chepovetsky, Julie					
Hechtman, Jaclyn					
Jordan, Adrienne					
Kazi, Sofia					
Paul, Andrea					
PGY3					
Azar, Paul					
Chow, Jonathan					
French, Jessica					
Martinez, Alicia					
Morency, Elizabeth					
Roman, Taisha					
Varughese, Leena					
PGY4					
Frost, Sarah					
Klm, Stacey					
Manlar, Kruti					
McCash, Samuel					
Trevino, Edward					
Fellows					
Cherneykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 10/25	Tuesday 10/26	Wed 10/27	Thurs 10/28	Fri 10/29
Topic:	AP:	CP:	Cyto: Reg. rounds Dr. Liu	Surg: Fung Dr. Kim	Autopsy
Lecturer:					
PGY1					
Blouin, Amanda	CAN-	CAN-	Dr. Kim	Dr. Kim	CAN-
Fender, Justin			Dr. Kim	Dr. Kim	
Grunes, Dianne			Dr. Kim	Dr. Kim	
Ko, Mabel			Dr. Kim	Dr. Kim	
Yao, Jonathan			Dr. Kim	Dr. Kim	
PGY2					
Chepovetsky, Julie	CEL-	CEL-	Dr. Kim	Dr. Kim	CEL-
Hechtman, Jaclyn			Dr. Kim	Dr. Kim	
Jordan, Adrienne	LED	LED	Vac FMLA	Vac FMLA	Vac FMLA
Kazi, Sofia					
Paul, Andrea					
PGY3					
Azar, Paul			Dr. Kim	Dr. Kim	
Chow, Jonathan			Dr. Kim	Dr. Kim	
French, Jessica			Dr. Kim	Dr. Kim	
Martinez, Alicia			Dr. Kim	Dr. Kim	
Morency, Elizabeth			Dr. Kim	Dr. Kim	
Roman, Taisha			Dr. Kim	Dr. Kim	
Varughese, Leena			Dr. Kim	Dr. Kim	
PGY4					
Frost, Sarah			Dr. Kim	Dr. Kim	
Kim, Stacey			plate rounds CM	SAK HGM SIM	
Maniar, Kruti			ME	ME	ME
McCash, Samuel					
Trevino, Edward					
Fellows					
Cherneykin, Sergey			Vac	Vac	Vac
Guarino, Robert			LH	Dr. Kim	
Liu, Hui				Dr. Kim	
Liu, Yuxin				Dr. Kim	
Mercer, Stephen				Dr. Kim	
Ouyang, Jie				Dr. Kim	
Raoufi, Mohammad				Dr. Kim	
Smethurst, Mark				Dr. Kim	
Zhong, Minghao				Dr. Kim	

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 11/1	Tuesday 11/2	Wed 11/3	Thurs 11/4	Fri 11/5
Topic:	AP: CP: RBC Agg	CP: Donor Nos.	Cyto:	Surg: Resident Meeting	Autopsy Dr. Schiller
Lecturer:	Dr. Choo	Dr. Kessler			
PGY1				AB	
Blouin, Amanda	<i>[Signature]</i>	<i>[Signature]</i>	CAN	JDF	<i>[Signature]</i>
Fender, Justin	<i>[Signature]</i>	<i>[Signature]</i>		DBG	<i>[Signature]</i>
Grunes, Dianne	<i>[Signature]</i>	<i>[Signature]</i>		MKO	<i>[Signature]</i>
Ko, Mabel	JY	<i>[Signature]</i>	CF	JLY	TLY
Yao, Jonathan					
PGY2				JAC	
Chepovetsky, Julie	<i>[Signature]</i>	<i>[Signature]</i>	Vac	Vac	Vac
Hechtman, Jaclyn	ACJ	ACJ		ACJ	
Jordan, Adrienne	<i>[Signature]</i>			SK	
Kazi, Sofia	FMLA	FMLA	FMLA	FMLA	FMLA
Paul, Andrea					
PGY3					PJA
Azar, Paul	JR	PJA		JRF	PJC
Chow, Jonathan	(AP only)	Late 8:20			<i>[Signature]</i>
French, Jessica				EGM	<i>[Signature]</i>
Martinez, Alicia				post-overnight call	<i>[Signature]</i>
Morency, Elizabeth				out sick	out sick
Roman, Taisha	sick leave	LTV			
Varughese, Leena					
PGY4				SEF	SEF
Frost, Sarah	<i>[Signature]</i>	SEF		SAK	
Kim, Stacey	<i>[Signature]</i>	<i>[Signature]</i>		KPM	KPM
Manlar, Kruti	KPM	KPM		SIM	turner board
McCash, Samuel	SIM	SW	ME	ME	ME
Trevino, Edward	ME	ME			
Fellows				SNC	
Cherneykin, Sergey	<i>[Signature]</i>			BAG	
Guarino, Robert					
Liu, Hul					
Liu, Yuxin				JOY	
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 11/8	Tuesday 11/9	Wed 11/10	Thurs 11/11	Fri 11/12
Topic:	AP: Colon polyps	CP: Donor organ	Cyto:	Surg: Drs. Blain + Hechtman	Autopsy (with) Dr. Lortz
Lecturer:	Dr. Ward	Dr. Leonard			
PGY1					
Blouin, Amanda			CAN		Blain
Fender, Justin					Blain
Grunes, Dianne					Blain
Ko, Mabel			CEI		Blain
Yao, Jonathan					Blain
PGY2					
Chepovelsky, Julie	JAC	JH	LED	JAC	JA
Hechtman, Jaclyn	out sick	ACJ		ACJ	ACJ
Jordan, Adrienne				SK	SK
Kazi, Sofia	FMLA	FMLA		FMLA	FMLA
Paul, Andrea					
PGY3					
Azar, Paul		PJA			PJA
Chow, Jonathan	JC	JR		JC	JR
French, Jessica	ARM	ARM		ARM	ARM
Martinez, Alicia					
Morency, Elizabeth					
Roman, Taisha					
Varughese, Leena	LXV	LXV			
PGY4					
Frost, Sarah	SAR	SAR		SAR	SAR
Klin, Stacey	Vac	Vac		Vac	Vac
Manlar, Kruti	KRM	KRM		KRM	KRM
McCash, Samuel	covering Frost	out sick		ME	ME
Trevino, Edward	ME	ME			
Fellows					
Cherneykin, Sergey	Cherneykin			Cherneykin	
Guarino, Robert					
Liu, Hui	YCL				
Liu, Yuxin					
Mercer, Stephen	SMR				
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 11-15	Tuesday 11-16	Wed 11-17	Thurs 11-18	Fri 11-19
Topic:	AP: GI	CP: Platelets	Cyto: CVT	Surg: GI	Autopsy
Lecturer:	Polydorides	WU	Lui	Polydorides	Doman
PGY1					
Blouin, Amanda					
Fender, Justin					
Grimes, Dianne					
Ko, Mabel					
Yao, Jonathan					
PGY2					
Chepovetsky, Julie			JASC	JC	
Hechtman, Jaclyn			AD	ACG	
Jordan, Adrienne				Maternity	Maternity
Kazi, Sofia			Maternity		
Paul, Andrea					
PGY3					
Azar, Paul	DSA	JC	DSA	DSA	TUMOR BOARD
Chow, Jonathan	JC	JC	JC	JC	JC
French, Jessica	JC	JC	JC	JC	JC
Martinez, Alicia	JC	JC	JC	JC	JC
Morency, Elizabeth	JC	JC	JC	JC	JC
Roman, Taisha	JC	JC	JC	JC	JC
Varughese, Leena	JC	JC	JC	JC	JC
PGY4					
Frost, Sarah	JC	JC	Heme Lecture	JC	Sick
Kim, Stacey	Vac	Vac	Vac	Vac	Vac
Manlar, Krull	ME	ME	ME	ME	ME
McCash, Samuel	SM	SM	SM	SM	SM
Trevino, Edward	ME	ME	ME	ME	ME
Fellows					
Cherneykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 11-22	Tuesday 11-23	Wed 11-24	Thurs 11-25	Fri 11-26
Topic:	AP: Pancreas	CP: Ig Therapy	Cyto: Effusions	Surg: Holiday	Autopsy
Lecturer:	Zhu	Choo	Loi	Thanksgiving	CANCELLED
PGY1					
Blouin, Amanda					
Fender, Justin					
Grunes, Dianne					
Ko, Mabel					
Yao, Jonathan					
PGY2					
Chepovetsky, Julie	JAC	JAC	JAC		
Hechtman, Jaclyn					
Jordan, Adrienne	FCT	ACJ	CHO Lab		
Kazi, Sofia					
Paul, Andrea	Maternity	Maternity	Maternity	Maternity	Maternity
PGY3					
Azar, Paul		PSA			
Chow, Jonathan					
French, Jessica					
Martinez, Alicia					
Morency, Elizabeth					
Roman, Taisha			AP remain in ER		
Varughese, Leena	LM				
PGY4					
Frost, Sarah	Sick	Sick	Sick		
Kim, Stacey					
Manlar, Kruti	ME	ME	ME	ME	ME
McCash, Samuel	SM	SM	Micro Plate Rands		
Trevino, Edward	Interview		ETT		
Fellows					
Chemeykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 11-29	Tuesday 11-30	Wed 12-1	Thurs 12-2	Fri 12-3
Topic:	AP: Liver	CP: Blood Comp. 2	Cyto:	Surg:	Autopsy
Lecturer:	Thuma	Wu	Li	Grunes/Fender	
PGY1					
Blouin, Amanda					
Fender, Justin					
Grunes, Dianne					
Ko, Mabel					
Yao, Jonathan					
PGY2					
Chepovetsky, Julie	JAC	JAC	JAC	JAC	JAC
Hechtman, Jaclyn	ACS		ACS	ACS	ACS
Jordan, Adrienne					
Kazi, Sofia					
Paul, Andrea	Maternity	Maternity	Maternity	Maternity	Maternity
PGY3					
Azar, Paul					
Chow, Jonathan					
French, Jessica					
Martinez, Alicia					
Morency, Elizabeth					
Roman, Taisha					
Varughese, Leena					
PGY4					
Frost, Sarah					
Kim, Stacey	CK				
Maniar, Kruti	ME	ME	ME	ME	ME
McCash, Samuel	SM	SM	Plat. Bands	SM	SM
Trevino, Edward	ETT	ETT	ETT		
Fellows					
Cherneykin, Sergey					
Guarino, Robert					
Liu, Hui	HL				
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie	JD				
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 12-6	Tuesday 12-7	Wed	Thurs 12-9	Fri
Topic:	AP:	CP:	Cyto:	Surg:	Autopsy
Lecturer:			CANCELLED		CANCELLED
PGY1					
Blouin, Amanda					
Fender, Justin					
Grimes, Dianne					
Ko, Mabel					
Yao, Jonathan					
PGY2					
Chepovetsky, Julie					
Hechtman, Jaclyn					
Jordan, Adrienne					
Kazi, Sofia					
Paul, Andrea	Maternity	Maternity	Maternity	Maternity	Maternity
PGY3					
Azar, Paul					
Chow, Jonathan					
French, Jessica					
Martinez, Alicia					
Morency, Elizabeth					
Roman, Talsha					
Varughese, Leena					
PGY4					
Frost, Sarah					
Kim, Stacey	ME	ME	ME	ME	ME
Manlar, Kruti	ME	ME		ME	
McCash, Samuel	SICK	SICK		SICK	
Trevino, Edward					
Fellows					
Chemeykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smeithurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 12-13	Tuesday 12-14	Wed 12-15	Thurs 12-16	Fri 12-17
Topic:	AP: Cervical lesion	CP: Post exposure	Cyto: CSF	Surg: Forensics	Autopsy
Lecturer:	Dr. Kalir	Dr. Kaplan	Dr. H. Liu	Dr. French	Hechtman/Fender
PGY1					
Blouin, Amanda	Step 3	Step 3	Diagnosis	Diagnosis	Diagnosis
Fender, Justin	SICK	MCW	MCW	MCW	MCW
Grunes, Dianne	MCW	MCW	MCW	MCW	MCW
Ko, Mabel		MCW	MCW	MCW	MCW
Yao, Jonathan		MCW	MCW	MCW	MCW
PGY2					
Chepovetsky, Julie	JAC	JAC/30 min	JAC	JAC	JAC
Hechtman, Jaclyn	BCIS	JFH	ACS	ACS	ACS
Jordan, Adrienne	ACS	ACS	ACS	ACS	ACS
Kazi, Sofia		Maternity	Maternity	Maternity	Maternity
Paul, Andrea	Maternity	Maternity	Maternity	Maternity	Maternity
PGY3					
Azar, Paul		PSA	JC	JC	JC
Chow, Jonathan		JC	post-call	JEF	JEF
French, Jessica		Non-qualified	ARM	EGM	EGM
Martinez, Alicia		Dental app/seen	EGM	TYR	TYR
Morency, Elizabeth		EGM	Intension	LxV	LxV
Roman, Talsha	A Roman	LxV (5 min 60)			
Varughese, Leena	1W				
PGY4					
Frost, Sarah					
Kim, Stacey					
Manlar, Kruti			Plate Remd	Intervention	Intervention
McCash, Samuel		Intervention	Intervention	Intervention	Intervention
Trevino, Edward					
Fellows					
Cherneykin, Sergey					
Guarino, Robert					
Liu, Hul					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 12/20	Tuesday 12/21	Wed 12/22	Thurs 12/23	Fri 12/24
Topic:	AP: Uterine neoplasms	CP: Pincell & Dr. Weinberg	Cyto: Uchae	Surg: NO	Autopsy NO
Lecturer:	Dr. Eliassen	Dr. Weinberg	Dr. Liu	Conference	Conference
PGY1					
Blouin, Amanda	Blouin				
Fender, Justin					
Grunes, Dianne	Grunes	Grunes			
Ko, Mabel	Ko	Ko			
Yao, Jonathan	Yao	Yao			
PGY2					
Chepovetsky, Julie	Chepovetsky	Chepovetsky			
Hechtman, Jaclyn	Hechtman	Hechtman			
Jordan, Adrienne	Jordan	Jordan			
Kazi, Sofia	Kazi	Kazi			
Paul, Andrea	Paul	Paul			
PGY3					
Azar, Paul	Azar	Azar			
Chow, Jonathan	Chow	Chow			
French, Jessica	French	French			
Martinez, Alicia	Martinez	Martinez			
Morency, Elizabeth	Morency	Morency			
Roman, Taisha	Roman	Roman			
Varughese, Leena	Varughese	Varughese			
PGY4					
Frost, Sarah	Frost	Frost			
Kim, Stacey	Kim	Kim			
Manlar, Kruti	Manlar	Manlar			
McCash, Samuel	McCash	McCash			
Trevino, Edward	Trevino	Trevino			
Fellows					
Chemeykin, Sergey	Chemeykin	Chemeykin			
Guarino, Robert	Guarino	Guarino			
Liu, Hui	Liu	Liu			
Liu, Yuxin	Liu	Liu			
Mercer, Stephen	Mercer	Mercer			
Ouyang, Jie	Ouyang	Ouyang			
Raoufi, Mohammad	Raoufi	Raoufi			
Smethurst, Mark	Smethurst	Smethurst			
Zhong, Minghao	Zhong	Zhong			

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 12/27	Tuesday 12/28	Wed 12/29	Thurs 12/30	Fri 12/31
Topic:	AP: No Conference	CP: Conference cancelled	Cyto: No Conference	Surg: No Conference	Autopsy Holiday
Lecturer:					
PGY1					
Blouin, Amanda	NO		NO	NO	HOL
Fender, Justin		CAN			
Grunes, Dianne					
Ko, Mabel					
Yao, Jonathan					
PGY2					
Chepovetsky, Julie	CON-	CEN-	CON-	CON-	EDAY
Hechtman, Jaclyn	FER-		FER-	FER-	
Jordan, Adrienne		LED			
Kazi, Sofia					
Paul, Andrea					
PGY3					
Azar, Paul	ENCE		ENCE	ENCE	
Chow, Jonathan		Not Required			
French, Jessica					
Martinez, Alicia					
Morency, Elizabeth					
Roman, Talsha					
Varughese, Leena					
PGY4					
Frost, Sarah					
Kim, Stacey					
Maniar, Kruti					
McCash, Samuel					
Trevino, Edward					
Fellows					
Chernykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Ouyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 1/2/11	Tuesday 1/4/11	Wed 1/5/11	Thurs 1/6/11	Fri 1/7/11
Topic:	AP: Tatum clinic	CP: Moberg	Cyto:	Surg: Dr. Chigovetsky	Autopsy
Lecturer:	Dr. Mercer	Dr. Evans		Surgical conference	Dr. Schiller
PGY1					
Blouin, Amanda	/	/	NO	/	/
Fender, Justin	/	/	NO	/	/
Grunes, Dianne	/	/	NO	/	/
Ko, Mabel	mpo	mpo	CON	/	/
Yao, Jonathan	/	/	/	/	/
PGY2					
Chepovetsky, Julie	/	/	FER	/	/
Hechtman, Jaclyn	/	/	/	/	/
Jordan, Adrienne	/	/	/	/	/
Kazi, Sofia	/	/	ENCE	/	/
Paul, Andrea	/	Andrea Paul	/	/	/
PGY3					
Azar, Paul	/	PSA	/	/	/
Chow, Jonathan	Vac	Vac	/	Vac	Vac
French, Jessica	Vac	Not required	/	Vac	Vac
Martinez, Alicia	/	/	/	/	/
Morency, Elizabeth	Vac	/	/	/	/
Roman, Taisha	Vac	Vac	/	/	/
Varughese, Leena	LXV	LXV	/	/	LXV
PGY4					
Frost, Sarah	Vac	Vac	/	/	/
Kim, Stacey	/	SAK	/	/	/
Maniar, Kruti	/	/	/	/	/
McCash, Samuel	Vac	Vac	/	/	/
Trevino, Edward	/	ETT	/	/	/
Fellows					
Cherneykin, Sergey	Vac	/	/	Vac	Vac
Guarino, Robert	/	/	/	/	/
Liu, Hui	/	/	/	/	/
Liu, Yuxin	VCL	/	/	/	/
Mercer, Stephen	lecturing	/	/	/	/
Ouyang, Jie	/	/	/	/	/
Raoufi, Mohammad	/	/	/	/	/
Smethurst, Mark	/	/	/	/	/
Zhong, Minghao	/	/	/	/	/

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 1/10/11	Tuesday 1/11/11	Wed 1/12/11	Thurs 1/13/11	Fri 1/14/11
Topic:	AP: Ped. tumors	CP: Molecular	Cyto:	Surg: Cdk Conf. Chernofsky/Pao	Autopsy
Lecturer:	Dr. Morotti	Fz	CANCELLED		
PGY1					
Blouin, Amanda	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Fender, Justin	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Grunes, Dianne	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Ko, Mabel	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Yao, Jonathan	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
PGY2					
Chepovetsky, Julie	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Hechtman, Jaclyn	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Jordan, Adrienne	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Kazi, Sofia	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Paul, Andrea	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
PGY3					
Azar, Paul	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Chow, Jonathan	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
French, Jessica	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Martinez, Alicia	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Morency, Elizabeth	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Roman, Taisha	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Varughese, Leena	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
PGY4					
Frost, Sarah	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Kim, Stacey	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Maniar, Kruti	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
McCash, Samuel	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Trevino, Edward	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Fellows					
Cherneykin, Sergey	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Guarino, Robert	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Liu, Hul	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Liu, Yuxin	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Mercer, Stephen	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Ouyang, Jie	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Raoufi, Mohammad	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Smethurst, Mark	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Zhong, Minghao	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

8AM LECTURE ATTENDANCE SHEET: 2010-2011

Date	Monday 1/17/11	Tuesday 1/18/11	Wed 1/19/11	Thurs 1/20/11	Fri 1/21/11
Topic:	AP: NO	CP: AMI	Cyto: Thyroid	Surg: Case pres.	Autopsy
Lecturer:	CONFERENCE Dr. Wu		Dr. Liu	Dr. Ko	
PGY1					
Blouin, Amanda		Justin	Justin	ASB	Justin
Fender, Justin	HOL	Justin	Justin	DRG	preparing
Grunes, Dianne		Justin	Justin	MKB	MKB
Ko, Mabel		Justin	Justin	JLY	JLY
Yao, Jonathan		Justin	Justin		
PGY2					
Chepovetsky, Julie	I	dp	Eng	SAC	JVC
Hechtman, Jaclyn		dp	ACT	JRH	ACT
Jordan, Adrienne	DAY	dp	ACT	ACT	ACT
Kazi, Sofia		ACT	ACT	ACT	ACT
Paul, Andrea		ACT	ACT	ACT	ACT
PGY3					
Azar, Paul		JC	PSA	PSA	JC
Chow, Jonathan		Not Required	JC	JC	JC
French, Jessica		Not Required	JC	JC	JC
Martinez, Alicia		Not Required	JC	JC	JC
Morency, Elizabeth		Not Required	JC	JC	JC
Roman, Taisha		Not Required	JC	JC	JC
Varughese, Leena		Not Required	JC	JC	JC
PGY4					
Frost, Sarah		Subst	Subst	Subst	Subst
Kim, Stacey		Subst	Subst	Subst	Subst
Manlar, Kruti		Subst	Subst	Subst	Subst
McCash, Samuel		Subst	Subst	Subst	Subst
Trevino, Edward		Subst	Subst	Subst	Subst
Fellows					
Chernykin, Sergey					
Guarino, Robert					
Liu, Hui					
Liu, Yuxin					
Mercer, Stephen					
Quyang, Jie					
Raoufi, Mohammad					
Smethurst, Mark					
Zhong, Minghao					